In the Supreme Court of the United States.

DECEMBER TERM, 1869.

THE UNITED STATES, *Appellants*,
vs.
ANTONIO ROCHA, *et al.* } No. 214.

Appeal from United States District Court for Southern District of California. Brief in behalf of the United States.

E. R. HOAR,
Attorney General.
R. J. BRENT,
Attorney for Settlers.
JOHN A. WILLS,
Special Counsel for the United States.

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HISTORY OF THE PROCEEDINGS.

On the 15th November, 1852, Antonio Rocha for himself, Jose Jarge, and Josefa de la Merced Jordan, his niece, filed his petition with the board of United States land commissioners, organized under the act of March 3, 1851, claiming to be owners of a tract of land called "La Brea," containing one square league of land, lying in Los Angelos county, California.

After evidence was taken on this petition, the board of land commissioners, on 6th March, 1855, entered their decree rejecting the claim. (pp. 7, 8, of record.)

October 4, 1855.—Transcript of case was filed in United States district court for southern district of California.

October 15, 1855.—Notice was given of appeal by claimants.

The case then slept until January, 1859, over four years, when the United States district attorney moved to dismiss the appeal for want of prosecution, and the court fixed the hearing of the motion for the 20th Jan-

uary, 1859, (p. 10;) and on that day the claimants filed their petition for a review of the proceedings of the land board, which, on 27th January, 1859, was promptly answered by the district attorney.

The appeal then seemed to be abandoned, and, on the 8th August, 1860, the district court entered its final decree, dismissing the appeal, and affirming the decree of the board of land commissioners, (p. 12.)

By law, the term at which this decree was entered, terminated on the first Monday of December next, 1860, on which day a new term commenced. (Sec. 5, act 28th, Sept. 1850, 9 Stat. at L. 521. See admission in petition for review; record, p. 20, fol. 68.)

After the term at which this decree of dismissal and affirmance of the decree of the land board was entered had expired, and the decree had become enrolled, on the 22nd February, 1861, Mr. Hancock entered his appearance for the claimants, and gave notice that he would file a bill of review in the cause.

April 15, 1861.—The claimants moved to reinstate the cause upon the ground of newly discovered evidence, supported by affidavit, but the district court *overruled his motion*, (see p. 12 of old record.)

The court assigned, as the reason for overruling the motion, the fact that proper notice had not been given, but the reason of the court is immaterial, and its order refusing the motion was a final order. (NOTE.—The motion to reinstate and its decision are omitted in the new record.)

The cause remained in this state from the 15th April, 1861, until October 4, 1862, when the claimants filed a *petition for leave* to file a bill of review, which was filed, argued, and granted on the same day, (pp. 18, 19.)

On the 6th October, 1862, the bill of review was filed, (p. 20,) which bill recites the final decree of the district court dismissing the appeal from the decree of the board of land commissioners.

Thereupon the case proceeded, though with great delay, and, on December 6, 1864, the district court entered its decree vacating its previous decree of dismissal of the appeal from the board of land commissioners, and reversed the decree of the board of land commissioners, and affirmed the validity of the claim set up by the appellees herein. From this decree the United States have appealed.

Argument for the United States.

Upon examining the record, there are three questions suggested.

I. Had the district court jurisdiction to entertain the bill of review, and to vacate its own decree, after the adjournment of the term at which it was rendered.

II. Did the district court properly exercise this jurisdiction, if it be found that it possessed it.

III. Was the title, proved by the claimants, entitled to confirmation.

I. As to the jurisdiction of the United States district courts of California to entertain bills of review while exercising the jurisdiction conferred on them by act of Congress of March 3, 1851.

A bill of review can only be entertained where the decree attacked has become final, and been enrolled, and it is in the nature of a writ of error.

The decree of August, 1860, affirming the decree of the land commissioners became a final and enrolled decree within four months after rendition, as the term expired on the 1st Monday of December next.—(9 Stat. at L., 521, § 5. Whiting *vs.* Bank of U. S., 13 Pet., 6, 13. Story's Eq. Pl., § 403.)

A bill of review can be filed within the five years allowed for taking out a writ of error: but when leave to file it is asked on the ground of newly-discovered evidence, the bar of limitations runs from the date of the discovery, and not from the date of the decree.

Thus, if a decree be enrolled thirty years ago, and to-day new evidence were to be discovered showing its error, which new evidence was unknown to the party petitioning previously, and could not have been discovered with reasonable diligence, the right to file the bill of review would date from the discovery of the evidence.—(Massie heirs *vs.* Graham. 3 McLean, 44.)

If the district courts of California, in the exercise of the special jurisdiction to hear and determine appeals in land cases, conferred on them by the act of March 3, 1851, can entertain bills of review, the consequences that will result are of the most important character.

The bill of review may be invoked in almost every case on behalf of, or against the Government, and the land titles of California may remain unsettled for an indefinite period.

It may well happen that greater research and industry may yet discover either in Mexico or Spain some unexamined and concealed archives that may overturn titles confirmed, or sustain titles rejected; and if this principle be correct, it is possible that the Limantour, Gomez, and other rejected claims, may again challenge investigation, probably in our day, and possibly in the next generation.

Consequences so momentous and unexpected as these have not been generally anticipated by parties interested in the settlement and adjustment of land titles in California: and it may be that such is not the true construction of the law.

No decision of this court, which has fallen under our notice, has intimated that such a jurisdiction can be exercised. The learned district judge who decided in favor of the jurisdiction, had not the benefit of any careful or extended argument or consideration, as the petition for leave to file the bill of review was filed, argued, and granted on the same day.

The jurisdiction of the district courts of California,

in deciding these land cases, is a special and statutory jurisdiction exclusively.

It is not like its admiralty powers, which are of general admiralty jurisdiction, and which make them courts of all nations rather than of the nation under whose authority they act.

Yet, while it seems reasonable that a court of admiralty should review its own decrees, the power has been much questioned.

No English precedent is recollected where a bill of review has been permitted to open an enrolled decree in admiralty.

In the Fortitude, 2 Dods. 70, Lord Stowell refused leave to open the decree, and questioned the power, but said it might be done in an extreme case where there was direct fraud or something equivalent to it. In 1830 Judge Betts denied the power of his court to entertain a bill of review.—(The Martha, 1 Blatch & H. 171.)

This was followed by Judge Harvey, in 1839, who denied the jurisdiction to entertain a libel for review; and on appeal to Judge Story, he held that if such a power existed, it could only be exercised in extreme cases, and that he would go even thus far with some hesitation —(The New England, 3 Sum., 506.)

In 1842 Judge Sprague maintained the jurisdiction of an admiralty court to entertain a libel for review; but refused the application as not coming within the principles on which this jurisdiction was to be exercised. (Janvier *vs.* Smith, Sprague's Dec., 13.)

And at November circuit, 1865, Mr. Justice Davis maintained the jurisdiction, and granted the review asked; holding that though no precedent could be found, yet it was warranted on general principles.—(5 Amer. Law. Reg., N. S. 44.)

The decisions are referred to for the purpose of showing how the power to re-open an enrolled decree by

the district court, even sitting in admiralty, has been doubted, and how it is to be exercised only in the most extreme cases.

But we are to recollect that in the present case the district court was exercising a special appellate jurisdiction: and the powers it possessed are all derived from the statute, and not from its general jurisdiction.

When the United States consented to submit its title to lands to the decision of its district courts in California, it did so upon prescribed terms: and these were that it would submit itself only to the final decree of the district or Supreme Court of the United States. When a final decree was rendered and enrolled, the case was ended, as far as the district court was concerned, and the consent and submission were terminated.

A bill of review, after leave obtained, is filed in court in the usual manner, and "the defendant is served with a subpœna, and appears as to an original bill."—(2 Dan. Ch. Pr., 1633.)

No subpœna ever issued in this case: but the bill was filed, after leave given, but did not pray for any process whatever. (p. 18.) On the day it was filed an order, *ex parte*, was entered to take evidence. (p. 19.) The bill, filed on 6th October, 1862, seems to have been served on no one, for the reason probably that it prayed no process, and the case slept over eight months until, on the 17th of June, 1863, the United States attorney filed an answer to the bill of review. (p. 40.)

It is respectfully submitted, that as the United States were not amenable to the writ of subpœna, it was not competent for its district attorney to go into court and submit it to the jurisdiction of the court. No warrant for such authority can be found in any act of Congress, and the appearance was unauthorized and void.

II. But if it should appear that the district court had jurisdiction to entertain a bill of review, then it is submitted that there was error in exercising it in the present case.

The record shows that at the next term after the decree of dismissal and affirmance of the decree below had been entered by the district court, the claimant gave notice, on February 22, 1861, that he would ask leave to file a bill of review, (p. 11.) On April 15, 1861, he moved the court to reinstate the cause upon the affidavit of the discovery of the expediente in the old records of Los Angelos; that said motion was opposed by the then United States district attorney on the ground that no proper notice was given, and the court overruled the motion. (P. 12 of old record of this case.)

This motion of the claimant must have been a motion upon new evidence for leave to file a bill of review. The proceedings do not seem to have been conducted with much regard to technical phraseology. The objection of the district attorney that no proper notice had been given, must be construed into a plea to the jurisdiction of the court to hold the United States under the notice given by the claimant. It could not have had reference to the fact that he had received no notice, for the record shows that he acknowledged service of such notice; and, in addition, if the ground had been that the motion was merely premature, the court would have postponed the hearing of the motion instead of overruling it on its merits. Whatever may have been the form, the fact is that practically the court refused leave to file the bill of review.

Eighteen months after claimant's motion to reinstate the cause was overruled, he filed his petition (based on precisely the same grounds as his former motion) for leave to bring in a bill of review, and it was granted. (pp. 16, 17.) This was irregular.—(2 Dan. Ch. Pr. 1628.)

It is a cardinal principle, applicable to bills of review, that the decree must be executed before the bill is filed, except in cases where releases and kindred acts are required.—(2 Dan. Ch. Pr. 1634.)

Now, if the decree of the district court affirming the decree of the board of land commissioners were executed, then whatever equities the claimants had were vested in the United States under the decree, and where is the jurisdiction of the court to divest the sovereign of this newly-acquired right? But did the affidavit and expediente make out the overwhelming equity which is stated? This leads to and may be considered in connection with the main point in the case, viz:

III. Was the title proved by claimants entitled to confirmation. On their own showing, even admitting the genuineness of all the documentary and the truth of the oral testimony offered by the claimants, we contend they have no case.

Two titles were offered—1st. The Municipal, purporting to be derived from the city authorities of the city of Los Angeles—the one first presented to the board of land commissioners. 2d. The National, purporting to be derived from the governor of California, which is the additional title pretended to be shown by the newly-discovered expediente, and the one first presented before the United States district court.

1st. The title presented by the claimants to the board of land commissioners was *a bare permission or license*, by the pueblo authorities of Los Angeles, "to build corrals, to pasture their cattle, and cultivate lands, on the same conditions as the other citizens have done, who have received such a favor:" meaning thereby, the previous *provisional occupation* of one Neposimo Alvarado, referred to in the petition. (Record p. 5.)

This was a mere *provisional right of occupancy*, under the city's claim of title; and besides, there is no *evidence* to show the *extent* of the place formerly occupied by Neposimo Alvarado, which was the extent of the right of occupancy given by Carrillo, as an officer of the town of Los Angeles. (Record, p. 5)

Neither the petition nor the evidence before the com-

mission, defined the boundaries of this tract of land; and there is no pretence that the alcalde of Los Angeles could confer any equitable title to the land, even if he had so designed; which he did not, as he describes the land as "lent."—(P. 4.)

It is also shown by the evidence of Hancock, claimants' own witness, that the land in question is not included in the land confirmed and surveyed to the pueblo of Los Angeles. (Printed record, p. 35.) Hence, this title which was only *provisional* and temporary, as against the pueblo of Los Angeles, totally fails as against it; and *à fortiori*, it fails, as against the United States, because it relates to lands over which, as the event shows, the pueblo of Los Angeles had not a shadow of right to make any kind of a grant, whether *provisional* or *absolute*. Hence, it is too clear for argument, that the decree of the board of land commissioners, (p. 7,) and the decree of the district court, (p. 11,) affirming it and dismissing the apppeal, were correct, and in accordance with the decisions of this court. This title, therefore, as an independent source of title must be abandoned.

2d. When the petition to file the bill of review was presented to the United States district court, it was based upon the alleged discovery of a certain expediente, containing the petition of the mother of the claimants, and the reports of the officers, (p. 16.) As this expediente constituted the only claim to re-open the decree, and as it failed to establish such a title as could be recognized, then the petition to file a bill of review should have been refused, or when granted, the claim ought to have been rejected.

A translation of the expediente is to be found at page 15. It contains the petition of Josefa Alvarado, addressed to the prefect of the district, soliciting a grant of the land, a report of the justice of the peace and of the prefect, and a declaration of the latter officer, that

the governor had determined "that all the places ceded for ranchos of this jurisdiction will *remain* of the character of *provisional* until the ejidos of the city shall be regulated." In other words, it shows a *refusal by the governor to grant the land as prayed;* the effect of which is, to leave the claimants without any other title than that which they held under the pueblo of Los Angeles, and that, we have seen, is worthless. This is the entire documentary title or color of title set up; and it is idle to claim that this was, at the most, more than a bare license to occupy.

The claim of De Haro was much stronger, because he had a *provisional grant*, formally extended by the governor. Yet it was held by this court to be invalid.

De Haro *vs.* U. S., 5 Wal., 622.

See, also, U. S. *vs.* Serrano, ib. 459.

U. S. *vs.* Chaboya, 2 Black, R. 593.

But no proof was offered of the genuineness of the signatures attached to the expediente offered in evidence; and it is singular that such an expediente should exist in the public archives and no trace of it be found until the summer of 1860. The claimants, perhaps, may rely on its failure to vest a title in them as the best proof of its authenticity.

But there is nothing whatever apparent in the record which can identify the diseño. No witness testifies that he ever saw it until it was unexpectedly found in some unindexed and unbound records in the summer of 1860. Besides, this diseño shows nothing more than the extent of the new grant solicited from the governor, which the expediente itself shows *was refused;* and yet it is made the basis of the decree of confirmation as to boundary.

How do the claimants explain their laches and negligence for five years and a half, from October 15, 1855, up to April 15, 1861, when they filed the expediente and affidavit of Mr. Hancock?

The affidavit of Mr. J. R. Scott, the original attorney

who presented this claim, states that when employed "he made a search of the archives and could not find the expediente." He was employed in or antecedent to November, 1861, and hence it is to be inferred that for nine years the claimants neglected to examine these mysterious and unindexed archives.

3d. The evidence in the cause shows no equity arising from possession or occupancy binding the conscience of the government.

Neither Rocha nor his children lived on the rancho, or ever exercised more ownership over it than the temporary use conferred on him by the license of the Alcalde Carrillo.

See testimony of Vejar, printed record, p. 26, fol. 88; Warner, *ib.* p. 33, fol. 109, p. 34, fol. 112; Sepulderda, *ib.* p. 29, fol. 97; Pico, *ib.* p. 32, fol. 104.

All the occupancy shown is legitimately accounted for by the *provisional right to occupy*. There is no ground for contending that the occupancy was *adverse*, for it shows that it was under and in subordination to the rights of the pueblo and of the Mexican nation, under the last of which the United States claim.

But no title can be gained by adverse occupancy against the United States. This is common learning.

The whole case, therefore, is simply this: A permissive right to occupy these lands was originally obtained by the ancestor of claimants from the pueblo of Los Angelos, under the idea that they formed part of the pueblo lands; but fearing that this title was *not good*, or desiring something *more permanent*, the governor of California was solicited to make an absolute grant of the lands according to a diseño submitted. *This he refused*, declaring his pleasure that the *statu quo should be preserved*, that is, that the petitioner should still continue to hold *provisionally* under the pueblo of Los Angelos, until its *ejidos* should be assigned. They were not assigned under the Mexican dominion, but they have

been since, by the courts and government of the United States; and it is found that the lands thus provisionally occupied were not within the limits of the pueblo; and the claim now is, that the courts of the United States shall *make a grant, which the governor of California refused*, and the permissive occupancy thus allowed by the pueblo and the governor is set up as evidence of *adverse possession*, which will justify the presumption of a grant, in the face of express evidence to the contrary, furnished by the claimants themselves.

That is the whole case, and a more groundless one has never been presented under a pretended title derived from Mexico.

The claim, therefore, must be rejected, or recent and well-considered cases of great magnitude and importance must be reversed.

E. R. HOAR,
Attorney General.
R. J. BRENT,
Attorney for Settlers.
JOHN A. WILLS,
Special Counsel for the United States.

Supreme Court of the United States.

DECEMBER TERM, 1869.

No. 48.

THE UNITED STATES, Appellants,

vs.

ANTONIO ROCHA et al.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF CALIFORNIA.

BRIEF ON BEHALF OF CLAIMANTS and APPELLEES.

By CORNELIUS COLE,
Of Counsel.

M'GILL & WITHEROW, PRINTERS, WASHINGTON, D. C.

Supreme Court of the United States.

DECEMBER TERM, 1869.

THE UNITED STATES, appellants,
vs.
ANTONIO ROCHA, *et al.*, appellees.
No. 48.

BRIEF FOR APPELLEES.

This case involves the right to one league of land in the county of Los Angeles, California. The land is called La Brea, which is the Spanish word for pitch or bitumen, and this name is given the rancho because it contains a large asphaltum spring, which adds very much to its value. From this fact the rancho is easily identified, and it has been well known by that name considerably over forty years. In January, 1828, the father of the claimants petitioned the local Mexican authorities for a grant of this land, designating it as the "Rancho de La Brea," which had been formerly occupied provisionally by one Alvarado, but was then vacant. (Record, page 5.) It probably received this well known appellation from the earliest Spanish settlers in that country. Each of the witnesses, whose depositions appear in the record, speak of it as of a rancho easily distinguished by the name. (Record, pp. 3, 25, 28, 31, 33.)

La Brea has been in the possession of the Rocha family ever since 1828, and their title to the land has been uniformly recognized, not only by the people of

that neighborhood and the adjoining ranch owners, but by the Mexican authorities, from the highest to the lowest, uniformly down to the time of the American occupation, and by the Americans since. The right of the claimants to this rancho was never disputed, nor even questioned under the Mexican rule. It was always regarded and generally spoken of by the Mexican officials as a GRANT, not a mere "permission to occupy," or "provisional license," but as an actual CONCISSION, subject to one condition only, and that, not a condition to be performed by the claimants, but by the Government itself, to wit: The marking off and regulation of the *ejidos* of the city of Los Angeles, a condition which was not performed during the Mexican administration, but has since been performed by our Government, thus relieving the property of even that embarrassment.

The stipulations of the treaty of Guadalupe Hidalgo, articles VIII and IX, point directly towards cases of this sort, and the law of 1851, under which these land titles are forced into litigation, directs the attention of the court to that treaty, and expressly enjoins its observance.

If that treaty retains any of its vigor at this late day; if "the laws, usages, and customs of the Government from which the claim is derived" are not wholly ignored; and if "the principles of equity" are not forgotten, this appeal must, as we maintain, be again and finally dismissed.

The case, as shown by the record, is briefly as follows:

TITLE FROM THE CITY OF LOS ANGELES.

On the 6th day of January, A. D. 1828, Antonio José Rocha, the ancestor of the claimants, and one Nemicio

Dominguez, petitioned the ayuntamiento or town council of the Pueblo of Los Angeles for a grant of this place, called La Brea. (Record, p. 5.)

On the 8th day of April, 1828, the petition was granted by the ayuntamiento, and the title was issued in the following form, endorsed upon the petition:

"The parties interested in this petition can build 'their corrals, place their stock, make their fields in 'the lands which they have signified, on the same 'terms, conditions, and circumstances as the other citi- 'zens have done who have received such a favor, being 'responsible for care, and only to report any crime 'which they may notice within their boundaries." (Record, pp. 5 and 6.)

This is the usual form of a municipal grant for the *ejidos* and *proprias* of a town.

It is not now claimed that this concession vested a valid title in the petitioners, though they at the time believed it did. The land proved to be outside of the limits of this pueblo. For many years it was supposed by the inhabitants and municipal authorities of the pueblos of California that each town was entitled to sixteen square leagues, or four leagues square, of land. The quantity of land to which a pueblo was actually entitled under the laws of Spain and Mexico was four square leagues, and no more.

Decree of Philip II, (Laws of the Indies, book 4, title 5, law 6, ordinance Philip II.

Rocopilacion, law 10. book 4, title 5.

Opinion of Galindo Navarro, Asesor General, June 21, 1786.

In an order of Pedro Nava, dated June 21, 1791, at Chihuahua, reference is made to the foregoing laws as

to the quantity of land which a pueblo should take, and the law is ambiguously stated, as follows: "The 'extent of four leagues, measured from the centre of 'the plaza (square) of the presidio (garrison) in each 'direction."

The mistake of Nava was subsequently followed in several orders and decrees of the governors of California, issued in relation to the pueblo lands. Hence the general impression that a town was entitled to sixteen square leagues.

Carrillo, the President of the ayuntamiento, who signed the grant under consideration, testifies that the land was considered at the time as belonging to the town, and that before the grant *it was occupied by the town.*

The city of Los Angeles, in its petition to the late board of land commissioners, claimed sixteen square leagues, and prayed confirmation for that quantity. Much proof was taken to support that theory, but it was subsequently ascertained that the true quantity was four square leagues, for which a decree was entered and a patent subsequently issued.

Even now the inhabitants of Los Angeles speak of the old pueblo lines and the new pueblo lines.

The land in question is situated within the sixteen square leagues claimed, but without the four leagues patented.

These matters are referred to for the purpose of showing that the petition and grant were both in good faith.

TITLE FROM THE GOVERNOR.

On the 13th day of April, A. D. 1840, Maria Josefa Alvarado, the widow of Jose Antonio Rocha, who in

the meantime had died, petitioned the prefect of the second district, reciting that the place called "Brea" was ceded provisionally to her husband in 1828, from which time it had been occupied by the family, and praying for a definitive grant of the same. (Record, p 13. Translation on pages 15 and 16.)

On the 14th day of April, A. D. 184-, the prefect refers this petition to the justice of the peace for information. (Record, p. 15.)

April 28, 1840. Juan B. Landry, justice of the peace, reports favorably to the grant, stating that he had gone with two witnesses to examine the land, found the diseño or map to be in conformity with the petition, and that the petitioner had the proper quantity of stock to occupy the land. (R., p. 15.)

May 2, 1840. Tiburcio Tapia, prefect of the second district, recommends to the governor that the prayer of the petitioner be granted, assigning as a cause that the petitioner was a widow having charge of a family. (R., p. 15.)

On the 10th day of May, Tapia, the prefect, issues and delivers to the petitioner the following certificate, countersigned by his secretary, Botello:

"In conformity with the disposition of his excel-
' lency the senor governor, communicated to this pre-
' fecture in a note of the 27th of April last, with respect
' to that resolution of the excellent departmental junta,
' all of the places ceded for ranchos of this jurisdiction
' will remain of the character of provisional until the
' ejidos of the city shall be regulated. I have made
' known the said superior disposition to the interested
' party to this petition, and she remains informed." (R., p. 15.)

The expediente of these proceedings is found in the archives, "Departmental State Papers, Angeles, Miscellaneous," vol. xii, pp. 164, 165, 166, 167. In the record of the case will be found the certificate of the surveyor general to that effect. (R., p. 14.)

From some cause or other doubt arose in the mind of the widow of Rocha as to whether the title issued to her husband by the city of Los Angeles was sufficient. This is to be inferred from the fact that she terms it provisional, though it was not more so than other municipal grants. She therefore institutes proceedings before the prefect for a more formal concession.

Usually, proceedings for a grant of land under the colonization laws were commenced by presenting a petition to the Governor, who referred the petition to some of the local authorities for information. Sometimes, however, when the lands were situated and the parties lived at a great distance from the seat of government, (Monterey, the seat of government, being over four hundred miles from Los Angeles,) the preliminary proceedings were commenced before a prefect, who made the usual reference for report, received the same, and then transmitted all the papers to the governor for his action. That was the course pursued in this case; and it was besides in strict conformity to the following decree:

"Juan Bautista Alvarado, governor, *ad interim*, of 'the department of the California, to the inhabitants 'thereof: Know ye, "That it being important that the 'public business of the department may be promptly 'dispatched, I have thought proper to decree as fol-'lows:

"1st. All those who make petitions in relation to 'lands, or others of this nature, will direct the same to 'the prefects of the respective districts, who will make 'reports on said petitions.

"2d. These espedientes shall be directed to the sec- 'retary of state by the prefects. And that this may 'reach the notice of all, I order that this be published 'as a decree, and circulated in all the places of the 'department.

"Given in Monterey, at the Governor's house, on the 7th of March, 1839.

"JUAN B. ALVARADO,
"MANUEL JIMENO, *Secretary.*

"I hereby certify the above to be a correct transla- 'tion of the original, as the same is found in the Spanish 'Archives of the office of the United States surveyor 'general. R. C. HOPKINS,
"*Keeper of Archives.*

"SAN FRANCISCO, Oct. 13, 1869.

"*Office of the Secretary of State*:

"His Excellency the Governor has ordered me to 'inform your honor, that at this date, there was issued 'to the subordinate authorities of the district under the 'charge of your honor, copies of the orders referred 'to; one of them being in relation to the division of the 'department into districts, in accordance with the reso- 'lution of the most excellent departmental junta; and 'others, that petitions for lands, and others of this class, 'shall be directed to the corresponding prefecturas; communicating them separately, and at the same rate,

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"I hereby certify the above to be a correct transla- 'tion of the original, as the same is found in the Spanish 'Archives of the office of the United States surveyor 'general. R. C. HOPKINS,
"*Keeper of Archives*.

"SAN FRANCISCO, Oct. 13, 1869.

"*Office of the Secretary of State*:

"His Excellency the Governor has ordered me to 'inform your honor, that at this date, there was issued 'to the subordinate authorities of the district under the 'charge of your honor, copies of the orders referred 'to; one of them being in relation to the division of the 'department into districts, in accordance with the reso- 'lution of the most excellent departmental junta; and 'others, that petitions for lands, and others of this class, 'shall be directed to the corresponding prefecturas; communicating them separately, and at the same rate,

'to the subaltern authorities, which, in the future, shall 'be attended to directly by the officers referred to in 'the decree regulating the affairs of the department, of 'the date of March, 1837.

"God and Liberty, Monterey, March 11, 1839.

"MANUEL JIMENO.

"To the Perfect of the First District, Don Jose 'Castro."

"I hereby certify the foregoing to be a correct trans- 'lation of the original on file in the office of the U. S. 'surveyor general. R. C. HOPKINS,

"*Keeper of Archives.*

"SAN FRANCISCO, *October* 13, 1869."

Tapia, the prefect, received the petition, referred it to a justice of the peace for the usual investigations, received the report, and then transmitted all the papers, with a recommendation of his own that the prayer of the petitioners be granted.

The governor, however, seemed to be uncertain whether or not this land was included within the limits of the town lands or ejidos of Los Angeles. He, therefore, issued his decree, that this, as well as all other places ceded for ranches within the jurisdiction of the second district, should remain as provisional grants until the ejidos of the city of Los Angeles should be regulated. The records show that the city had made numerous grants in the form of the one issued to Rocha and Dominguez on the 8th day of April, 1828.

A provisional grant under the Mexican government signified a grant that should vest the possession of the property prayed for, in the petitioner, while some event was pending. It doubtless might be defeated by the

occurrence of an event in conflict with the purposes of the grant, but not otherwise. If not so defeated, it would have the same validity in the eyes of the Mexican government and before all the world as the definitive grant to which the party would be entitled. Nothing ever occurred in this case to defeat the title of the Rochas. The ejidos of Los Angeles were not marked out under the Mexican authorities. In fact, they never were defined, until surveyed by the surveyor general of the United States, under the decree confirming four square leagues of land to the city.

The grant, then, to the widow of Rocha remained provisional in reference to one event only, and the contingency upon which it depended having happened after the change of government, the United States is bound, in good faith, to make the grant definitive, by confirming and patenting this claim.

TITLE BY POSSESSION.

The proof in this case is, that the ancestor of the claimants entered into possession of the land claimed as early as April, 1828.

The witnesses, Carrillo, (R., p. 3,) Stearns, (R., p. 3,) Vejar, (R., p. 24,) Warner, (R., p. 33,) Sepulveda, (R., p. 28,) and Pico, (R., p. 31,) show that the possession by the claimants and their father and mother has been continuous and uninterrupted from that time to the present, under claim of title from the Government. Titles of this nature have always been respected and confirmed by the courts.

In the United States *vs.* Castro, (1 Hoffman, p. 126,) no grant was produced. Claimants relied principally on long-continued possession. The judge, in delivering

his opinion, remarked: "The fact that the list of grants 'in the archives contains this amongst others, the 'parol testimony of witnesses who have seen it and 'known that it was produced and referred to, to settle 'disputed boundary lines, and the still more conclusive 'fact, that the grantee and his family have resided 'upon the land for more than twenty years, are suffi-'cient to remove any suspicions which the grant might 'otherwise suggest. An occupation so long and so 'notorious, with a claim of ownership so universally 'recognized, might of itself be deemed sufficient evi-'dence of ownership."

The claim was finally confirmed.

In the case of United States *vs.* Alviso, (23 Howard, 318.) It appeared that, in 1838, Jose Maria Alviso petitioned the governor for permission to occupy whilst proceedings were pending to procure a grant. This petition was received and referred to the administrator of the Mission Dolores for report. In 1839 this order was shown to the prefect, who agreed to reserve the land for the petitioner. In 1840 the administrator reported that the land was unoccupied, and not recognized as the property of the mission or private person. In 1840 petitioner sold the land to his brother, who has since occupied and cultivated it. He has been recognized as the proprietor since 1840, a period of fourteen years, (case decided in 1854.) No imputation of fraud or want of good faith. The claim was confirmed by the Supreme Court. In this case there was no pretence that a title was ever issued to the party. Preliminary steps only were taken to procure title. The claim was, at best, very imperfect. It was confirmed,

however, upon the ground that fourteen years' possession, in good faith, created an equity against the Government.

The same principle was decided in the case of United States *vs.* Wilson, (1 Black, 267.)

In the case of the United States *vs.* De Haro's heirs, (22 How., 293,) it appeared that De Haro had a very informal grant for a fifty vara lot at the Mission Dolores, which grant had been altered. The proof was that he had been in possession sixteen years. In deciding this case the court said: "Upon the whole, we cannot doubt 'from the title papers, and especially from the sixteen 'years' possession, which has been enjoyed by De Haro 'and his heirs, using the property as their own, claim-'ing it under the grant, that the title should be con-'firmed, and it is hereby confirmed."

In the case of the United States *vs.* Chaboya, (2 Black, 593,) it was decided that "a party claiming land pro-'duces no legal title, but bases his right solely on pos-'session. It is shown that such possession as he had 'was temporary, partial, and subsidiary to the claim of 'another party, whose rights he constantly recognized. '*Held*, that the court could not confirm such claim." *Aliter*, if the possession had been otherwise.

United States *vs.* Peralta, (3 Wallace, 434, 441.) In this case the papers were not found in the archives, but were produced from the possession of claimant. *Held* to be insufficient. Possession was then relied on. The court in answer to this says: "It is said that an equity 'arises on account of possession. But the bare pos-'session is too limited to raise any substantial equity, 'because the claimant only occupied the place about a 'year before the conquest of the country."

The doctrine of these cases is this, that where a party occupies and cultivates lands for a period of years—in the Castro case twenty years, in the Alviso case fourteen years, and in the De Haro case sixteen years—under a claim of title from the Mexican Government, notwithstanding such title may be defective or worthless, yet such occupation and cultivation raise an equity against the government which the courts are bound to confirm.

The appellants place great reliance upon two cases reported in 5 Wallace. The United States *vs.* De Haro, (p. 599,) and the United States *vs.* Serrano, (p. 451. But the case now before the court differs from both those in several important particulars, and in each point of disagreement the difference is strongly in favor of this case.

The De Haro case discloses a mere "provisional license," as it was called, given to a couple of boys, living with their father near by, to pasture some tame cattle on a potrero within the peublo of San Francisco. This potrero had theretofore been put to a similar use by the priests of the neighboring mission, who had fenced it in. The permission was given in 1844, and in 1846 both the young men were killed in the war with the United States.

The evidence of their having taken possession of the premises, or making any use whatever of the land was very slight. At best their occupation was for only a year or two, and by no means notorious. The license in any event was subject to the more permanent claim of the establishment of San Francisco, and conditional upon the designation of its *ejidos*.

Mr. Justice Davis, in rendering the opinion of the

court, says: "The governor not only indicated no wil-
'lingness or intention to grant, but * * * he re-
'fuses to grant, and *ex industria* limits the concession to
'the permission to occupy land not then used by the
'mission;" and the governor expressly and absolutely forbids the De Haros to sell or in any manner to alienate the same.

I quote further from the opinion of the court: "If
'language has any meaning Micheltorena intended by
'this instrument to give nothing more than the power
'to occupy, and even this power was made expressly
'subject to the paramount claim of the establishment
'of San Francisco. To *permit* pasture ground to be
'occupied, excludes all idea that a grant of the land
'was contemplated. There are absolutely no words
'indicating an intention to make a future grant on the
'happening of any event whatever." (5 Wallace, 625.)

But if there had been an intention to make a future grant, that intention would have been governed by the extent of the ejidos. Or, if the DeHaro concession were to be construed as a conditional grant, still, the condition would have been that it should be subject to the assignment of the ejidos, and for that reason, if for none other, it would have been invalid, because the ejidos actually included this land; it all fell within the limits of the pueblo of San Francisco, as subsequently fixed by the authorities of the United States.

Not so with the Rancho de La Brea. It is entirely outside of Los Angeles. The ejidos of that pueblo do not come near it. (Affidavit of Hancock, Rec., p. 35.)

There is another marked feature of distinction between the case of the De Haros and this of the Rochas. The former was all smeared over with fraud. There

were two title papers presented, both perfect in form, and having the genuine signatures of the governor, Micheltorena, one bearing date May 24, 1844, and the other September 18, 1844. Both of these were shown to be antedated and false, and it was a matter of great difficulty to separate the genuine papers in the case from the simulated and fraudulent ones. This may have had some influence in shaping the decision of the court; but there is no such embarrassment hovering about the case of La Brea.

After full hearing the De Haro claim was *rejected* by the district court. After an equally patient hearing the Rocha case was *confirmed* by the court below. The former was put upon its legal rights without any pretense of equities to support it: the latter is supported by the strongest kind of equities.

The case of the United States *vs.* Serrano differs as widely as does that of De Haro from this of Antonio Rocha, now before the court.

Serrano was mayor domo of the mission of San Luis Rey, and as such obtained a verbal permission from the priest of that mission to occupy certain open lands which were supposed to belong to the mission. Afterwards he obtained similar verbal authority from the local military commander to occupy the land, and he did occupy it, by building an adobe house and planting a small vineyard. "Sometimes, during the occupancy, 'he had a few cattle, sheep, and horses" on it.

"There was no petition, no diseño, no informe, no 'concession, no titulo, no confirmation by the depart-'mental assembly, and no act of judicial possession."

There was not a single link of the ordinary chain of title for grants of land in California.

Mr. Justice Davis, in giving the opinion of the court in Serrano's case, says: "The actual possession in this 'case was limited to a very small quantity of ground." (5 Wallace. p. 461.) But a claim was set up by his successors to five entire leagues; a much larger tract than was ever covered by the mayor domo's wildest dreams. There was, to be sure, long possession of the part actually occupied, but that possession had no title-papers whatever to support it. He had no color of claim, except *possessio pedis* of a small portion, and that was not held under claim of right.

The opinion of the court ends as follows: "If Ser-'rano had entered into possession under a claim of 'right, and had title-papers, though imperfect, he might 'say that the length of his possession entitled him to 'the favorable consideration of the court. Not so, 'however, where he had no interest in the land, never 'applied for any, either to Spain or Mexico, and was 'content with a permission to occupy it for the pur-'poses of pasturage."

The claimants in this case of La Brea did enter "into 'possession under a claim of right;" they "had title-'papers," which were supposed by them to be good and valid, but which, it is conceded, proved afterwards to be imperfect; and they now do come forward and say "that the length of their possession"—forty-two years—"entitles them to the favorable consideration 'of the court."

It may be objected that the documentary title under

which we claim never ripened into a grant. We reply, that our first title from the city of Los Angeles was in the usual form of municipal grants for pasture lands; and that the title from the governor was sufficient to maintain the grantees in the possession of the land until a more formal title was issued; that these papers, in connection with the long-continued possession, constituted a *grant*, according to various decisions of the Supreme Court of the United States.

In the case of Strother *vs.* Lucas, (12 Pet., 436,) the court uses the following language: "The court has 'uniformly held, that the term grant in a treaty com-'prehends not only those which are made in form, but 'also any concession, warrant, order, or permission to 'survey, possess, or settle, whether evidenced by writ-'ing or parol, or presumed from possession." (*Vide* the last cases cited; 8 Pet., 466, 467; 9 Pet., 152–170; 10 Pet., 331–340; S. P., 10 Pet., 718.)

It will not be objected to the possession of the Rochas that they did not dwell all the while upon the land, but had their domicil in the pueblo of Los Angeles part of the time mentioned, for, by an early regulation of the government, persons owning lands within a certain distance of a pueblo were required to reside in the pueblo in order to insure greater safety against hostile Indians.

The possession of the Rochas, when not in person, was by servants or employees, and always with cattle, horses, and sheep, and by building houses and corrals, and such other acts of ownership as were generally recognized.

TITLE BY PRESCRIPTION.

It is scarcely necessary, after the consideration of the foregoing propositions, to base our claim upon prescription; but to strengthen the case, if necessary, the doctrine of prescription of the Spanish and Mexican law is here briefly referred to.

Escriche, vol. 2, pp. 741–742, title *Prescription de Dominio.*

A possession of twenty years without title, but in good faith, induced by the acts of others, with the knowledge of the proprietor, is good as a prescription, even as against the absent, and ten years against the present; and continuous possession of thirty years, however acquired, without suit brought against it, constitutes a prescription, even if it were acquired by violence and robbery; good faith not being exacted in a prescription of thirty years. (See Appendix 1.)

Prescription of forty years is good as against the king. The commencement of a suit does not stop the running of prescription. It is only ended by judgment or decree, or the resuming of possession by the sovereign.

In Barclay *vs.* Howell's lessee, (6 Peters, 498,) it was decided, that an uninterrupted possession for thirty years would authorize the presumption of a grant.

"Indeed, under peculiar circumstances a grant has 'been presumed from a possession of less than the num-'ber of years required to bar the action of ejectment 'by the statute of limitations."

In Domat's Civil Law, (Cushing's edition, 2190,) the law of prescription is thus given:

"Prescription in movables was acquired in the space
'of three years. As to immovables, the Romans made
'different distinctions in the prescription of them.
'The 'fair and honest possessor, had a title prescribed
'by a possession of ten years among those who were
'present, and of twenty years among those who were
'absent, although the person of whom he purchased it
'possessed it knavishly. And they expected those to
'be present who had their abode in one and the same
'province. He who possessed without a title pre-
'scribed by a possession of thirty years, and after that
'time could not be molested by the proprietor."

I may be pardoned for referring here to the just remarks made by Mr. Justice Grier, in his opinion in the case of the United States *vs.* Johnson, (1 Wallace, pp. 328, 329:)

"In taking objections to these Mexican grants, it
'ought to be remembered that the case is not brought
'here on a writ of error, with a bill of exceptions to
'the admission of every item of testimony offered and
'received below. Nor is it the duty of counsel repre-
'senting the Government to urge microscopic objec-
'tions to an honest claim, and urge the forfeiture of
'his property for some oversight of the commissioners
'in not requiring the proof according to the strict
'rules of the common law."

To the same effect is the language used by Mr. Justice Field, in delivering the opinion in the case of the United States *vs.* Anginsola, (1 Wallace, p. 358–359:)

"To these observations we will only add, that the
'United States have never sought by their legislation
'to evade the obligation devolved upon them by the

'treaty of Guadalupe Hidalgo, to protect the rights of 'the property of the inhabitants of the ceded territory, 'or to discharge it in a narrow and illiberal manner. 'They have directed their tribunals, in passing on the 'rights of the inhabitants, to be governed by the stip- 'ulations of the treaty, the law of nations, the laws, 'usages, and customs of the former government, the 'principles of equity, and the decisions of the Supreme 'Court, so far as applicable. They have not desired 'their tribunals to conduct their investigations as if the 'rights of the inhabitants to the property which they 'claim depended upon the nicest observance of every 'legal formality. They have desired to act as a great 'nation, not seeking, in extending their authority over 'the ceded territory, to enforce forfeitures, but to afford 'protection and security to all just rights which could 'have been claimed from the government they super- 'seded."

If these principles are to obtain in the present case there is no reason why this claim should not be confirmed.

There is no pretence that there is any fraud about it, or that there is any want of good faith. The parties claim under two titles: One from the city of Los Angeles, the other from the governor of the State. They are found in the archives, where the law requires them to be. It has been shown that the land has been continuously occupied about forty-two years under a claim of title, and that under the Mexican government this occupation alone would give title by prescription even against the Government. Could there be a stronger equitable case? It is certainly not the object of the Government to work forfeitures, but to do justice.

THE REMEDY BY BILL OF REVIEW.

The point is raised by appellants that the district court had no "jurisdiction to entertain the bill of re-'view, and to vacate its own decree, after the adjourn-'ment of the term at which it was rendered."

To this it is replied, that a bill of review is in the nature of a writ of error, and its object is to procure an examination and alteration or reversal of a decree which has been signed and enrolled, and the enrollment of the decree is essential to the obtaining of a bill of review. If the decree has not been enrolled, then a bill in the nature of a bill of review is the proper remedy. (Story's Equity Pleadings, § 403; Adams on Equity, p. 419. original paging.)

In this case the decree of the court was duly signed and recorded. (Record, page 12.)

It is conceded by the appellants that five years is the time within which a bill of review should be brought, and when leave is asked to file a bill of review, on the ground of newly discovered evidence, the bar of limitations runs from the date of the discovery of the evidence. (Story's Equity Pleadings, § 410, and cases there cited, 10 Wheaton, 146; 3 McLean, 44.)

From the possible results which may follow the announcement of this principle counsel draw the well-worn argument of convenience: "If the district court 'does possess the power to issue bills of review in 'these cases, new evidence may be discovered which 'may overturn all the land titles of California."

To this we reply, if evidence hitherto unknown should now be discovered, which would show that the former decree was incorrect, it is manifest justice that

the wrong perpetrated should even at this late day be corrected, *provided it can be done without detriment to the interests of innocent third parties.*

If, for instance, the former decree was in favor of the United States, and evidence should now be discovered showing that the original claimant was entitled to the land in controversy, it is only right that he should now be allowed to secure what was always equitably his own and *vice versa.*

But the discretion that is vested in the court for the allowance or disallowance of bills of review is a sufficient safeguard against any *abuse* of the process. The allowance of a bill of review is never a matter of right, but rests *entirely* in the discretion of the court. (Hollinsworth *vs.* McDonald, 2 Har. and Johns., 230; Duxter *vs.* Arnold, 3 Mason, 315; Mason *vs.* Graham, 3 McLean, 52.

It will be seen from these cases that the bill is sometimes rejected by the court, when the newly-discovered evidence shows beyond a doubt that the former decree was wrong, for the reason that its effects would be injurious to the interests of new and innocent parties. It is never allowed to the injury of third parties who have become interested in the controversy or where injustice or wrong would result.

But nearly every case brought into the district court from the board of land commissioners has been appealed by one side or the other to the Supreme Court of the United States, thus taking all this class of cases from the jurisdiction of the district court, so that the fearful results predicated by the learned counsel exist not in possibility, but in their own imagination.

But there was no unnecessary delay in the case now

before the court. The decree was rendered on the 8th of August, 1860, (Rec., p. 12,) and on the 22d of February, 1861, notice of motion for leave to file the bill of review was served. (Rec., p. 13.) The affidavit upon which the application is based was made and filed April 15, 1861, within a few months after the entering of the decree. As soon as possible after the discovery of the grounds for a bill it was applied for. (Record, p. 16.) The bill was granted at a special term held in Los Angeles, in October, 1862, and it nowhere appears that the application could have been made or determined at an earlier day.

It is clearly within the jurisdiction of the district court to grant a bill of review. The general powers of that court include the authority, but it is specially conferred by the act which gives them jurisdiction of these land cases. The 11th section of that act declares that the court shall be governed by the principles of equity; by the laws, usages, and customs of the Mexican Government; by the treaty of Guadalupe; and by the decisions of the Supreme Court, so far as they are applicable. (9 U. S. Stats. at Large, p. 633.)

There is no better established principle of equity than that relief should be afforded from an error appearing in a judgment, or, in a proper case, upon the discovery of new evidence.

For the determination of these land cases the district court of California is eminently a court of equity. These causes are all brought into that court in the first place by "a petition praying said court to review the decis-'ion of the commissioners." (Sec. 9, vol. 9, Stats. at Large, p. 632.)

The learned counsel for appellants, unable to find

anything in the organization of the district court, or in authority, adverse to the power to review a decree by bills of review, endeavor to prove such a result by analogy. Their argument is as follows:

1. The jurisdiction of the district courts in these cases is a special and statutory jurisdiction.

2. Their admiralty jurisdiction is general and comprehensive.

3. Their power to review their decrees in admiralty by bills of review has been much questioned, and is only allowed in extraordinary case.

Conclusion. If this power is so doubtful in admiralty cases, how much more so must it be in cases like that in review, where the jurisdiction of the court is so narrow and confined.

This argument will hardly bear the light.

The jurisdiction of the courts of the United States is triple in its nature—common law, admiralty, and equity. There is no such remedy known to the common law or in admiralty, in England, as a bill of review. Counsel admit that in England no such proceeding is known in admiralty. If the United States have sometimes allowed it in admiralty, it is an extension of the process, as compared with England. It is purely an equitable remedy, and is inherent in all the courts of *equity* in the United States, unless where removed by statute. In Dexter *vs.* Mason, Judge Story says that the courts of the United States clearly have the power to review their proceedings by this process. He does not say that this power is possessed by the circuit court of the United States, but by *the* courts of the United States.

It so happens that equity cases are comparatively

rare in the district courts, and that the ordinary method of reviewing judgments and decrees is by appeal.

The decisions of these courts are not usually reported. It therefore happens that we can find no decision of any court of the United States touching the power of the districts courts to allow bills of review in equity cases. But if this power is inherent in the district courts when sitting in equity, the fact of its non-use is immaterial. We can find nothing to restrict this power.

If these courts can entertain and decide equitable actions, they certainly possess this power as a necessary adjunct to their equitable powers, unless it is taken away by statute, which is not the case.

If Congress had provided that appeals in these cases should be made directly to the circuit court, there could be no question as to the power of the circuit court to allow such a bill to be filed. Is it possible that Congress, by assigning such cases to the district court, intended thereby to limit or restrict the right of the suiter? Yet such will be the result if the district courts do not possess this power.

If the claimants had not possessed the right to a writ of review, they would have been entirely without remedy. It was the only method of getting the newly discovered evidence in the case. Neither a writ of error nor an appeal would have availed anything.

It is true that the jurisdiction of the district court in these cases was *statutory*, in the sense that it was by *statute* determined that appeals from the board of land commissioners should be to that court, instead of to the circuit court, or directly to the Supreme Court; but in the statute conferring the jurisdiction there is abundant

indication of a purpose to invest that court with power to allow bills of review, and to do all other acts necessary to a proper adjustment of land claims in California.

Under the English trustee act a statutory jurisdiction was conferred, yet it was held on appeal, that the court possessed the power to review its decisions by bills of review. (8 Law Times, N. S., 599.)

If, then, these land cases are equitable in their nature, and the district court had the power of courts of equity to hear and decide them, what reason exists for saying that, *as to these cases*, they did not possess the power of courts of equity to review their decisions by means of the process possessed and used by all courts of equity, viz, by bills of review?

The question then arises as to the character of this action. Was it an equitable case? If so, then the district court, so far as this case was concerned, had all the powers of a court of equity.

All these claims presented to the board of land commissioners were *equitable* in their nature. If a man possessed a *perfect legal* title under the Mexican Government, he was not required to present his claim. It was only *equitable* claims that were to be considered, for the purpose of securing the *legal title* from the United States (See cases referred to in Abbott's National Digest, vol. 1, California, sections 28, 29, 30, page 375.) The whole proceeding was an equitable one, and was not a proceeding at common law.

The principles upon which the land commissioners were to decide the cases that came before them were "the treaty of Guadalupe Hidalgo, the law of nations, 'the laws, customs, and usages of the Mexican Govern-

'ment, the principles of equity, and the decisions of the 'United States Supreme Court." (Act of March 3, 1851.)

When an appeal is taken from the decision of the land commissioners to the district court, and that court has acquired jurisdiction, it is then in substance and effect an original proceeding; the district court hearing the case anew, admitting new evidence, &c. (United States *vs.* Ritchie, 17 How., 525; Fremont *vs.* United States, *Ibid.*, 542–552.)

And this procedure in the district court is in the nature of a proceeding in equity. (United States *vs.* Circuit Judges, 3 Wall., 673.)

The *equity* jurisdiction of United States courts is derived from the Constitution and laws of the United States. Their powers and rules of decision *are the same in all the States.* In all these respects they are unaffected by State legislation. (See long list of cases referred to on page 66, Abbott's National Digest, subject, Courts, section 166.) A State law abolishing the distinction between law and equity cannot govern the proceedings in the United States courts.

Bennett *vs.* Butterworth, 11 Howard, 669.
McCollum *vs.* Eager, 2 do, 61.

In most of the State courts of equity, and certainly in the United States courts, bills of review are the ordinary and appropriate proceeding for reviewing the decisions of the courts of the United States. (Story on Pleadings, sec. 403.)

The courts of the United States clearly possess the power to allow such a bill to be filed.

Dexter *vs.* Arnold, 5 Mason, 311.

If, then, the equity jurisdiction of the United States courts is the same in all the States, and is entirely unaffected by State legislation, and we find the circuit courts of the United States frequently reviewing their decrees by means of bills of review, and their power to use the process being unquestioned, the conclusion is irresistible, that the power is inherent in the district court as to all cases in equity which come before it.

The counsel for appellants raise the point, that a bill of review is an original bill, and the defendant should have been summoned into court in the usual manner, *i. e.*, by a subpœna.

We think an examination of the authorities will show that a bill of review is not an *original* proceeding, but rather a continuance of a proceeding already begun.

It is in the nature of a writ of error.

Duxter *vs.* Arnold, 5 Mason, 317.

If new parties are to be brought in, by reason of the death of the original parties, or for other reason, then the proceeding is called "an original bill in the nature of a bill of review." In that case a subpœna is the proper method of compelling the appearance of the opposite party. The bill is in that case filed without leave of the court, and is an original bill. Story, in his work on Equity Pleadings, classes bills of review under the head of "bills not original." (Brightly's Equity Juris., 601; 13 Peters, 13.)

It would be strange if a subpœna were necessary to bring a party into court, when the bill can only be filed by permission of the court after giving the opposite party full notice of the motion, and serving him with copy of bill, and where the opposite party has the

right, if he chooses, to come into court and oppose the filing of the bill.

In this case the appellants, having voluntarily appeared in the case and pleaded to the bill of review, are estopped from denying the regularity of their appearance, especially where the point is raised for the first time in the Supreme Court. If there was any informality in the application for, or in the granting of the bill of review in this case, (which is not conceded,) it was caused by the appearance and pleading of the attorney for the United States to the application. (Rec., pages 21, 22, 23.)

WAS THE BILL PROPERLY ALLOWED?

The next point made by the appellants is, that if the district court had jurisdiction to allow a bill of review, it was improperly exercised in this case.

If the learned counsel for the United States are not too late in making this point; if this objection has not been waived by their appearances to the motion, nor by filing an answer to the bill, nor by appearing at the taking of testimony and examining witnesses, nor by all these acts, and many others of a like character, nevertheless the objection is easily answered.

The application for the bill was based upon newly-discovered evidence, as shown by the affidavits of Hancock and Scott and by the petition for leave to file it. (Record, pp. 16, 17, 18.) And Story, in his Equity Pleadings, § 412, says: "A bill of review may be 'brought upon the discovery of new matter; such, for 'example, as the discovery of a release, or a receipt, 'which would change the merits of the claim upon 'which the decree was founded. But leave of the

'court must be obtained before a bill of review can be 'filed on this ground, which leave to file it will not be 'granted without an affidavit that the new matter could 'not be produced or used by the party claiming the 'benefit of it in the original cause. The affidavit must 'also state the nature of the new matter, in order that 'the court may exercise its judgment upon its rele-'vancy and materiality."

The granting of leave to file a bill of review is always a matter resting in the sound discretion of the court to which the application is made, and is not a ground for appeal. Particularly is this true of applications based upon newly-discovered evidence.

The authorities upon this point are definite and unequivocal. Judge Story says:

"The granting of a bill of review for new-discov-'ered evidence is not a matter of right, but it rests in 'the sound discretion of the court." (Story's Equity Pleadings, § 414.

The discretion of the court was very properly exercised in granting the leave to file a bill in this case. The new evidence was not discovered and brought to light till after the decree had been rendered and recorded. The evidence consisted of all the several steps requisite to obtain a title from the Mexican authorities in California, including a deseño and description of the property, for the want of which, it will be remembered, the claim was rejected by the land commission. (Record, p. 7.) The new evidence was documentary, found in an unindexed volume, xii, of "Departmental State Papers," and was in a foreign language, which few could read. Even the keeper of the archives was ignorant of its existence, till it was shown

him by Mr. Hancock. (Record, p. 17.) A former attorney of claimants had made diligent search for further evidence in the case, but had failed to find this. (Affidavit of Scott, record, p. 17.)

The leave to file a bill was given after argument of counsel. (Record, p. 19.) And again, upon a motion to "strike from the files and record in this case the bill of review," full argument was heard and the motion was denied. (Record, p. 24.)

The discretion of the court was therefore exercised with great caution and deliberation. The bill of review was properly granted, and its refusal would have been gross injustice. (5 Mason, 303.)

If there were considerable periods of delay between several of the different steps of this proceeding, they were apparently by consent of the parties, and are a peculiarity of almost all of the early proceeding of the southern district court of California, where the terms were not frequent, nor always regular. It is doubtful whether this point can, with due respect, be raised in this court, where cases are often pending three or four years.

Another point made by counsel is, that the decree must be executed before the bill is filed.

This was probably considered in the court below, but is easily disposed of here. The rule refers only to cases where the decree requires some affirmative act to be done by the petitioner. In this case there was nothing to be done to execute the decree. But the rule is not absolute; it may be dispensed with. (2 Daniel's Chancery Pleadg. and Prac., 1634, note 5.)

CONCLUSION.

This case will now be submitted on the part of the claimants with the remark, that it differs widely from those cases on which the appellants rely as authority to support their side. It possesses infinitely stronger equities than many California land cases which have been confirmed by this court, and none possessing strength approximating anywhere near to this has been rejected. There is clear, definite, and unquestioned possession on the part of claimants for nearly half a century. From the very commencement they held under color of title, which title for many years was supposed to be good and valid. When doubt was cast upon it, they lost no time, but did all in their power to make it good, and there was no reason, in fact, why it should not have been perfected, for the lands were really outside of the pueblo of Los Angeles, though that fact was not then ascertained. The governor recognized the rights of the claimants, and only decided that the grant should retain the character of provisional *until* the ejidos of the pueblo of Los Angeles should be regulated or marked out, it being uncertain whether the land was within or out of the city. If in the city, the governor could not make the grant; if without, then he had the power to make it. The grant was *not refused*, but was to be regarded as provisional until (*hasta*) a certain thing should be done. The claimants were only to be held liable to be ousted of their rights by the city, and only in the event of their land falling within the ejidos. They could not be ousted by any party except the city, since the privilege was not reserved for the State, but for the city alone, and the city could not

oust them, because it had already ceded to them its interest in the land. (Record, p. 5.)

The numerous and positive recognitions of the rights of the claimants to the rancho de la Brea, by all the Mexican officials, whether of the pueblo, the prefecture, or the State, together with their uninterrupted occupation ever since 1828, would entitle them to protection under the stipulations of the treaty of February 2, 1848, which guaranties to Mexicans residing in California the property which they possessed. They would be entitled to this protection even if the statutes were silent upon the subject; but the law of Congress of March 3, 1851, sec. 11, expressly enjoins upon the courts an observance of that treaty. It also provides that "the laws, usages, and customs of the Government from which the claim is derived" shall GOVERN the courts in deciding upon its validity.

The law of 1851 always refers to the possessions of these Mexican citizens as "claims," never as "titles," and Congress, evidently intending to include, for confirmation, as they were bound to do under the treaty, claims based upon long possession with color of title; claims based upon occupation in good faith, with title papers, whether perfect or not; in short, any "claim" that would have remained undisturbed had the Mexican Government continued.

The title of the act of March 3, 1851, is "An act to ascertain and settle the private land *claims* in the State of California," and a commission was authorized for that purpose, and not to ascertain which were perfect titles and to reject all others. There was no need of a commission to pass upon perfect titles, for such titles always vindicate themselves. It was only the inchoate,

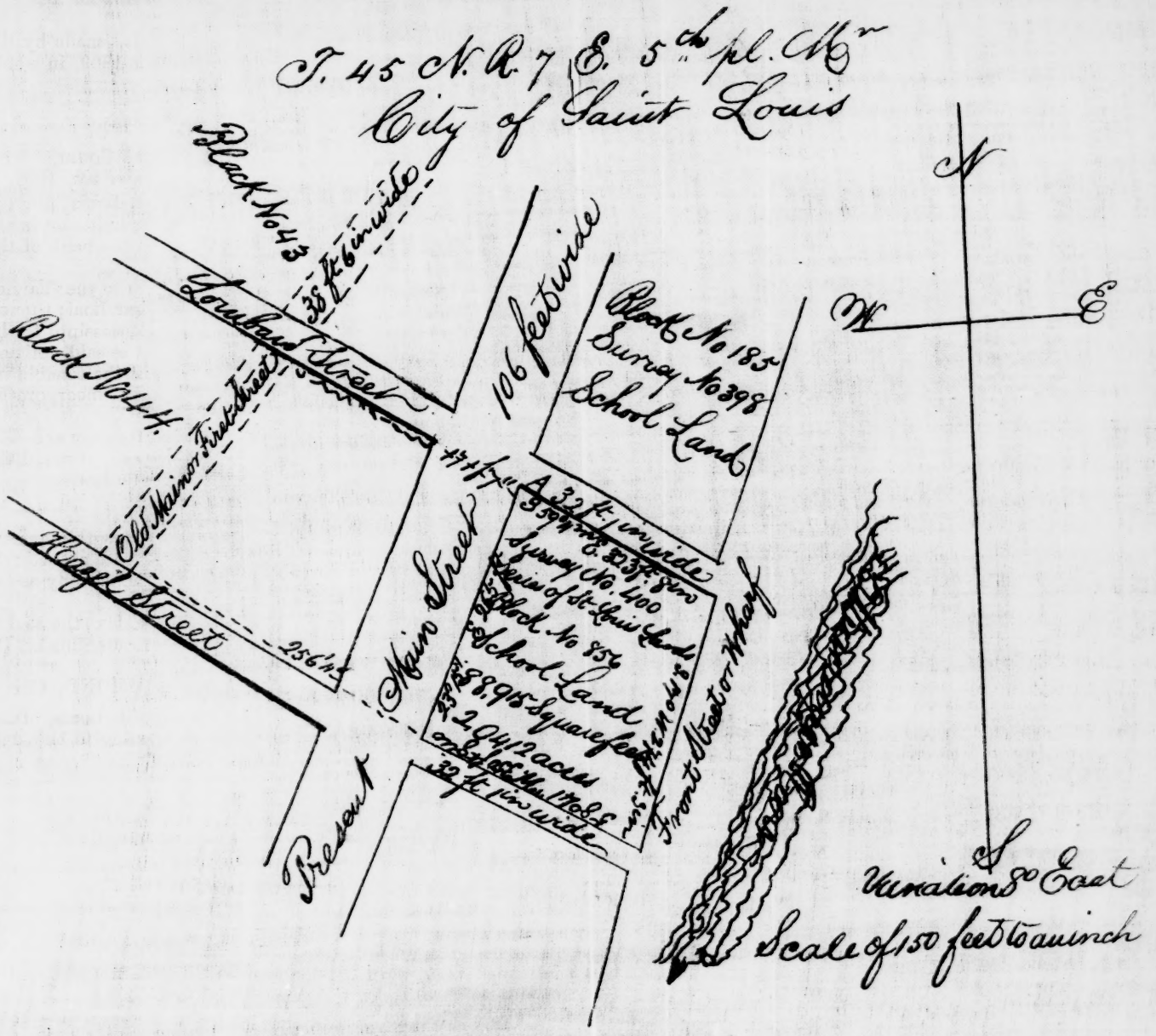
imperfect, and merely equitable titles, or, to use the expression everwhere found in the act of Congress, "claims," as distinguished from titles, that the board of land commissioners was called upon "to ascertain and settle." There was no necessity whatever for presenting perfect titles to the board of commissioners. Such titles "remained as valid under the new govern-'ment as they were under the old, and, without having 'been presented for confirmation, may be asserted and 'maintained in the courts of the country." "Where 'the titles to lands in California were inchoate and 'imperfect at the date of the treaty, it was necessary 'to submit them to the board of commissioners for 'confirmation."

This doctrine is so fully and ably maintained in Minturn *vs.* Brower, (24 Cal. R., p. 14, *et seq.*,) that any attempted elaboration of it in this brief would be presumption.

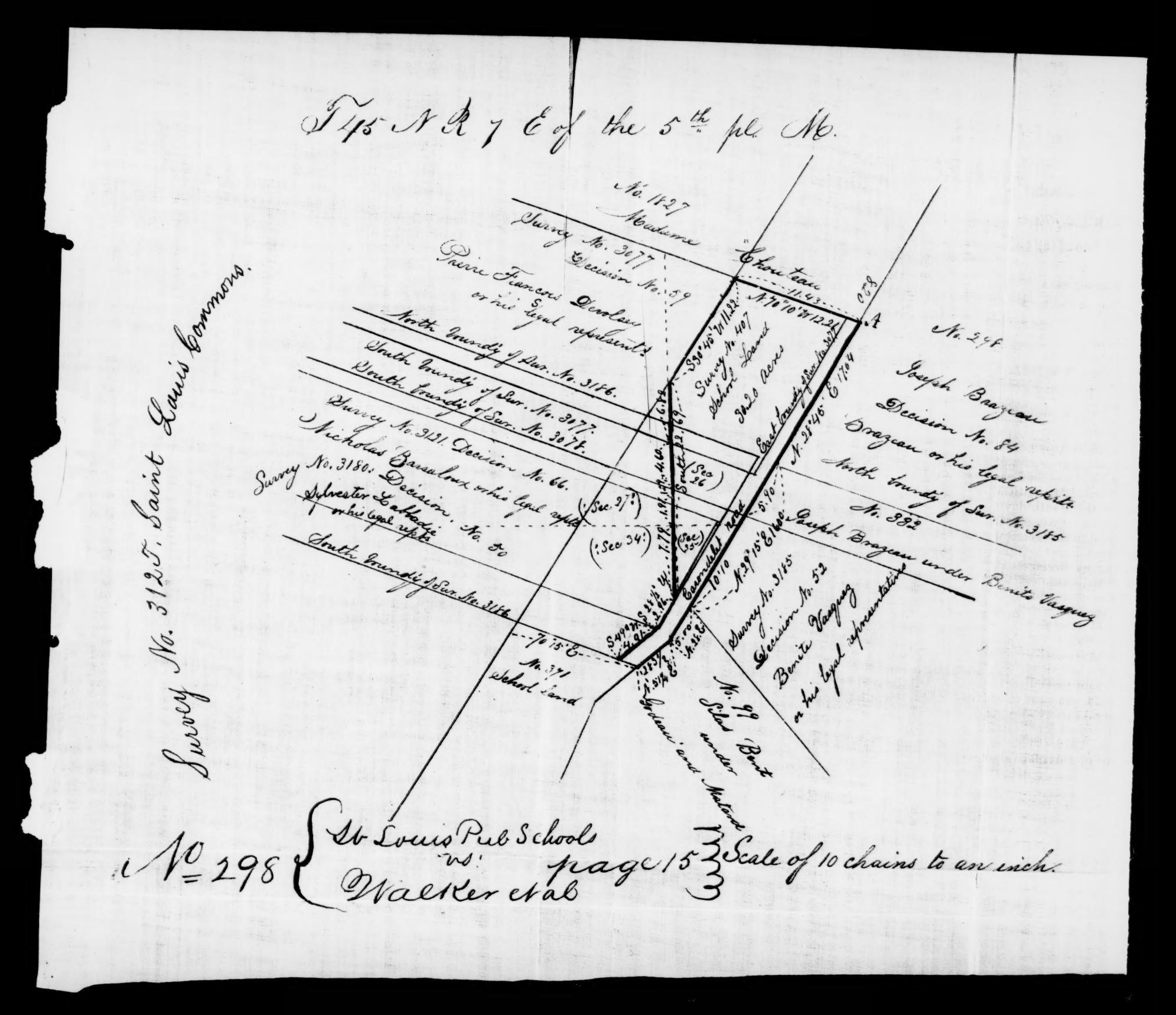
No claim that has not for its support an absolute perfect title, together with long-continued possession, comes more directly within the stipulations of the treaty, the provisions of the law, and the principles of equity, than does the one now under consideration, and such, it is submitted, will be the view taken of it by this court. That was the view taken of it by the court below, (Record, p. 35,) and it does not appear that the United States, as *appellants*, have any good ground upon which to ask for a reversal of that decree. The appeal was once dismissed on motion of the Attorney General, (Record, p. 38,) and I must be allowed the opinion that it ought to be again and finally dismissed.

Respectfully submitted.

CORNELIUS COLE,
Of Counsel for Claimants.



No = 296 { St Louis Pub Schools vs. Risley et al page 25.



No 298 { St Louis Pub Schools vs Walker et al

page 15

Scale of 10 chains to an inch.

321 *Arrivals and departures of American vessels at the United States Consulate at Constantinople during the quarter ending June 30th, 1857.* 322

Number.	Date.—Month, day.	VESSELS. Classes.	Names.	Tonnage.	Where from.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	CARGOES. INWARD. Where produced.	Where manufact'd.	Descrip.	Quant.	Value.	OUTWARD. Where produced.	Where manufac'd	Descrip.	Quant.	Value.
	1857.																			
1	April 14	Bark	Grapeshot	345	N. York	Unknown	N. York	Malta	G. Law	J. S. Clark	Boston	Boston	Rum, flower &c	Full cargo	29,100 00	Turkey	Unman	Ballast	Unknown	Unknown.
2	16	Sch'r	S. Hotchins	291 51-95	N. York	New Haven	N. Haven	Smyrna	A. M. Morrison	A. Munsen	do	do	Rum	do	32,160 00	do	"	do	do	"
3	25	Bark	Gayhead	393 21-95	Boston	N. England	Boston	do.	Agareaut Co.	E. Mayo	do	do	Rum, rosin &c	do	20,824 00	do	"	Wool	"	22,337 38
4	May 24	Stem'r	Gen'l Knox	259	Alexandria	Philad'a	Boston	Sold to B. I. & R. Co	Boston Relief and Submarine Co.	C. J. Landby	do	do				do	"	Machinery	"	
5	June 1	Sch'r	S. E. Meaher	426 92-95	Galatz	Mobile	Mobile	Marseilles	Meaher	W. L. Smith	Russia	Unnamed	Grain	do		Russia	"	Grain	"	
6	June 15	Bark	Susan Jane	225	Philadelphia	Unknown	Philad'a	Sebastapol	Wickerson	W. E. Quin	Philad'a	Philad'a	Machinery	do		Philad'a	Philad'a	Machinery	"	

323 *Arrivals and departures of American vessels at the United States Consulate at Constantinople during the quarter ending March 31st, 1857.* 320

No.	Date.—Month, &c.	Tonnage.	Classes.	Names.	Masters.	Where from.	Where bound.	Where belonging.	Where built.	Owners.	CARGOES. INWARD. Where produced.	Where manufactured.	Description.	OUTWARD. Where produced.	Where manufactured.	Description.
1	1856	426 92-95	Sch'r	S. E. Meaher.	W. S. Scrunt	Galatz	Galatz	Mobile	Mobile	Meaher	Russia	Unknown	Grain	Turkey	Turkey	Ballast.
2	1856	328 73-95	Bark	Voyager	A. Nicherson	N. York	Smyrna	do	N. England	Unknown	Boston	Boston	N. E. Rum	Turkey	Turkey	Ballast.
3	1856	299 79-95	Brig	Torrent	Montgomery	Boston	do	do	do	do	Boston	Boston	N. E. Rum	Turkey	Turkey	Ballast.
4	Jan. 26, 1857	451 81-95	Bark	Sultana	Capt. W. Watson.	Boston	Palermo	do	East Boston	C. Brow and master.	Boston	Boston	Rum and sugar.	Turkey	Turkey	Ballast.
5	1856	259	Stmr	Gen'l Knox	J. Teal	Trebizana	Smyrna and Alexandria	do	Philadelphia	T. F. West	Passengers and miscellaneo	us cargo		Passengers and pilgrims for	Mecca.	

324 Certificate attached to the quarterly returns of the American Consulate at Constantinople for the quarters ending March 31st, 1857, and June 30th, 1857.
Filed December 13th, 1859.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify, that the paper hereunto annexed is a true copy of the original on file in this department.

In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.

[SEAL.]

325 *Return of the arrival and departure of American vessels at the U. S. Consulate at Malaga during the quarter ending March 31st, 1856.*

Number.	Month, day.	VESSELS. Class.	Names.	Tonnage.	Where from.	When built.	Where built.	Where belon'g.	Where bound.	Owners.	Masters.	CARGO INWARD. Where produced and manufac'd.	Staves.	Sac's of wheat.	Barrels flour.	Sac's corn.	Bar. salt beef.	Values.	CARGO OUTWARD. Where prod. and man'f'd.	Boxes raisins.	Q'r casks wine.	Sac's almonds.	Tons lead.	Boxes liquorice paste.	Bales straw hats.	Jars of olive oil.	Bales mats.	Values.
1	Jan'y 5.	Brig	W. A. Brown	288	N. Orleans	1855	Bremen	Boston	Palermo	Prescott	Tucker	U. S.	75,000					7.650	Kingdom of Grenada, Province of Malaga, Spain.		Bal	last						
2	6.	Sch'r	Amey Chase	156	Gibraltar	1855	Essex	N. York	N. York	Small	Chase	U. S.	8,000					924				50	60	15				6.657
3	15.	Bark	Ella	195	N. York	1855	Medford	N. York	Messina	Pearson	Taylor	U. S.	9,400		245		135	6.050			Bal	last						
4	16.	Sch'r	Coast Pilot	288	Gibraltar	1855	Brookhaven	N. York	Palermo	Davis	Davis	U. S.	3,600	900				5.900			Bal	last						
5	Febr'y 5.	Brig	Malvern	195	Gibraltar	1849	Philadelphia	Philad'a	N. York	Seld	Seld	U. S.						Ballast		1,600	220		100		120	200		18.447
6	9.	Brig	Titania	249	Ybiza, Sp	1854	Perry	E. Port	N. York	Hume	Appleby	U. S.						Ballast		5,562	50	374	100				300	26.409
7		Brig	T. A. Ward	284	New York	1853	N. York	N. York	Palermo	Hoff	Hoff	U. S.		2,056	648	796		21.416			Bal	last						
8	18.	Brig	Rolling Wave	296	New York	1855	Somerset	Salt Riv	Messina	Hathaway	Pearce	U. S.	2,400	3,190	300			22.344			Bal	last						
				1,951									98,400	6,146	1,223	796	135	64.284		7,162	270	424	260	15	120	200	300	51.513

CONSULATE OF THE UNITED STATES OF AMERICA, MALAGA, *March 31st*, 1857.

JNO. SOMERS SMITH, *U. S. Consul.*

326 *Return of the arrival and departure of American vessels, &c., at the U. S. Consulate at Malaga during the quarter ending June 30th, 1857.*

Number.	Month, day.	VESSELS. Class.	Names.	Tonnage.	Where built.	When built.	Where belonging.	Where bound.	Where from.	Owners.	Masters.	CARGO. Where produced and manufactured.	INWARD. Description.	QUANTITY. Sacks of wheat.	Barrels of flour.	Staves.	Sacs of corn.	Barrels of beef.	Values.	Where produced and manufactured.	CARGO. Description.	OUTWARD. Q'r casks wine.	Tons lead.	Boxes raisins.	Boxes liquorice paste.	Boxes lemons.	Bales mats.	Bbls. of litherage.	Value.
9	April 1.	Bark	Marion	338	Baltimore	856	Balt'o	In port	Balt'o	J. W. Hugg	J. W. Hugg	U. S.	Staves, flour and wheat	4,231	2,200	6,000			25,032										
10		Bark	Virgin, Am	295	Phil'a	848	Philad'a	Baltimore	Palermo	C. W. Nerse	J. Willey	U. S.	Transit																
11	16.	Bark	William	231	Bristol	847	N. York	N. York	N. York	Galway	Patterson	U. S.	Staves, flour and wheat	101	230	3,120			15,596		White lead	200	166		50			300	22,059
12	17.	Sch'r	Yorktown	145	Balt'o	853	New York	N. York	N. York	Luckley	Perkins	U. S.	do	456	658	18,000			10,560		Lead		30						2,970
13		Bark	Elizabeth	235	Portsmouth	847	N. York	N. York	Tarragona	Godwin	Young	U. S.	Ballast								Lead, wine, fruit.	100	150		16	600			17,567
14	15.	Brig	Nereas	245	Durburg	829	Boston	Alm'a & B'st'n	Gibraltar	Horner	Massing	U. S.	Corn, flour & staves		800	1,200	500		8,190		Lead & fruit					424			1,060
15		Bark	Hannibal	466	William	854	Suffolk	Almeria	N. Orleans	Whitehead	Kline	U. S.	Flour & st'v's		4,241														
16	June 2.	Bark	White Cloud	394	Waldoboro	854	Smyrna	Boston	Boston	Holbrook	Hoyt	U. S.	do corn beef		764	17,400			36,229		Ballast								
17	3.	Bark	Young Turk	383	Medford	856	Boston	Boston	Cadiz	Davis	Harding	U. S.	Ballast			8,360	50	10	6,084										
				2,732										4,788	9,063	54,080	550	10	101,691		Lead, wine, &c.	50	169	1,500		332	300		22,936
																						350	515	1,500	66	1,356	300	300	66,612

CONSULATE OF THE U. S. OF AMERICA, MALAGA, *June 30th*, 1857.

JNO. SOMERS SMITH, *U. S. Consul.*

327

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the paper hereunto annexed is a true copy of the original on file in this department.

I testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this 21st day of July, A. D. 1858, and of the independence of the United States the 83d.

[L. S.] (Signed) LEWIS CASS.

328 329 330 and 331 inc. *Approximate statement of export to the United States by American and foreign vessels, during the quarter ending September 30th, 1857.—Filed Dec. 13, 1859.*

Vessels.	Boxes raisins.	Frails raisins.	Barels raisins.	Q'r casks wine.	Barrels wine.	Boxes and drums figs.	Barrels grapes	Frails almonds.	Boxes almonds.	Barrels red lead.	Tons of lead.	Boxes liquorice paste.	Bundles liquorice root.	Bales mats.	Q'r casks olive oil.	Barrels bird seed.	Bales wool.	Boxes lemons.	Values.
TO NEW YORK.																			
Marion	5,345			25	107	400				100	204	32	115		50	50			37,415 00
E. W. Seyburn	625										200	59		80			9	300	28,483 00
William	3,250			160						220	70	48			100			400	25,898 00
Yorktown	4,000			50				200		221	8		220						15,940 00
Kate Western	6,500					300		150											17,270 00
Pride of the Sea	8,000											400						300	24,150 00
E. H. Penny	5,849			100									100		30			300	20,270 00
J. Harris	10,750																	400	29,193 00
Josephine	9,750										54							800	31,399 00
Brig Dan'l Webster, (1)	2,150			200	120	200					30			200					12,651 00
Grace Washington	12,400										50							100	33,973 00
A. J. Ross	10,000										25							700	27,900 00
Edward Hill	16,000										40								34,620 00
Lamplighter	12,500										120							150	43,586 00
Ocean Bride	10,507										25								25,523 00
Brig Dan'l Webster, (2)	15,125			120															35,332 00
	132,751			805	227	900		350		541	826	539	435	280	180	50	9	3,400	$443,603 00
TO BOSTON.																			
Nevada	300							200			40			150				1,500	10,500 00
Nereus	4,735														100		50		18,521 00
Young Greek	1,200		500															400	33,800 00
Mary	10,000										15							100	24,029 00
	17,035		500					200			55			150	100		50	2,000	86,850 00
TO BALTIMORE.																			
Mety	7,000	200										20						200	19,609 00
FOR NEW ORLEANS.																			
Northern Belle	8,000																	600	21,050 00
S. W. Rowland	13,000		50	160	50		200											300	40,322 00
	21,000		50	160	50		200											900	$61,372 00

RECAPITULATION OF AMERICAN AND FOREIGN VESSELS.

New York	199,950	200	100	1,755	277	2,380	30	350	100	541	1,071	604	545	280	280	50	9	6,055	$655,790 00
Boston	42,165		1,205				250	200			439			250	100			2,606	185,862 00
Baltimore	7,000	200										20					50	200	19,609 00
New Orleans	40,945		50	860	250	1,625								270				2,633	129,586 00
Philadelphia	23,995	1,400		50	25	600					90							900	63,461 00
Charleston	2,300			130	185	200		60			110			20	40	10		200	25,908 00
	316,355	1,800	1,455	2,795	737	4,805	280	610	100	541	1,770	624	545	820	420	60	59	12,504	1,080,216 00
FLAGS.																			
United States	177,786	200	550	965	277	1,100	200	550		541	881	614	435	430	280	50	59	6,550	611,434 00
British	104,295	1,600	805	400	75	2,080	50		100		280	10	110	100				3,715	290,122 00
Spanish	16,951			830	385	1,200	30	60			110			290	40	10		1,933	79,535 00
Norwegian	10,000										329							306	56,102 00
Swedish																			23,093 00
Sardinian	7,323			600		425					110				100				19,940 00
	316,355	1,800	1,355	2,795	737	4,805	280	610	100	541	1,710	624	545	820	420	60	59	12,504	1,080,216 00

UNITED STATES CONSULATE, MALAGA, *Sept. 30th*, 1857.

JNO. SOMERS SMITH, *U. S. Consul.*

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting :

I certify that the paper hereunto annexed is a true copy of the original on file in this department.

In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.

[L. S.] (Signed) LEWIS CASS.

Return of the arrival and departure of American vessels, &c., and statement of fees received at the U. S. Consulate at Malaga during the quarter ending 30th Sep

No.	VESSELS. Month, day.	Class.	Name.	Tonnage.	Where from, as per last report.	When built.	Where built.	Where belonging.	Where bound.	Owners.	VESSELS CARGO. Masters.	Inward. Where produced.	Inward. Where manufactured.	CARGO. Outward. Description.	Quantity.	Value.	Where produced.	Where manuf'd.	Description.	Quantity.	Value.	CREWS. Inward. American.	Inward. Foreign	Outward. American.	Outward. Foreign	Discharged. No.	Discharged. Amt.	Discharged. Fees.	Shipped. No.	Shipped. Amt.
18	July	K. K	Marion						N. York												$38,483								
19	"	Schr	E. W. Seyburn	332	Barcelona	1854	Pittston	Pittston	do			U. S	U. S	Ballast															
20	" 31st.	Schr	Pride of the Sea	244	Gibraltar	1853	N. York	N. York	do	C. Fox and others	G. Buckinston	U. S	U. S	Bbls. flour	1,500 bbls	$12,000					24,150	9		9					
20	Augt. 3d.	Bk	Young Greek	244	Messina	1855	Woodford	Boston	Boston	A. Harden	J. Humphreys			Cargo in transitu								8		8					
21	" 5th.	Schr	Kate Western	258	Gibraltar	1855	N. Haven	N. Haven	N. York	H. S. Sandford	W. Ellis	U. S	U. S	Bbls. flour	700 do	300					33,800	8		10	3				
22	" 12th.	Bk	Ocean Bride	171	Cadiz	1855	Franklin	Boston	do	J. H. Chiney	Burgess	U. S	U. S	Do. and staves	1,000 do., 24,040 staves	10,800					17,270	10	2	5	2				2	1
23	" "	Bk	Nevada	325	Genoa	1850	Robiston	Boston	Boston	J. P. Fabetts	Percival			Cargo in transitu							25,323	9							
24	" 14	Bk	Grenada	278	Cadiz	1851	N. York	N. York	N. York	S. H. Snydom	N. S. Taylor			Ballast							10,500	9	1	9	2			1	0
25	" 16	"	Sicilian	331	Boston	1855	Kingston	Boston	Boston	A. Dawes	J. H. Davis	U. S	U. S	Staves	55,272 staves	7,738						10	1						
26	" "	Brig	E. S. Penny	321	New York	1850	New York	N. York	N. York	J. Thompson	J. Davis	U. S	U. S	do	30,960 do	3,030						8	2						
27	" "	"	Grace Wurtington	199	"	1854	Elizabeth	do	"	M. Hunter	A. F. White	U. S	U. S	do	4,340 do	6,166					20,270	7		7					
28	" "	Bk	William	231	"	1853	Bristol	"	do	J. Galaway	F. Patterson	U. S	U. S	do	5,184 do	6,739					33,973	6							
29	" "	Schr	E. Hill	245	"	1855	Newbury	Newbury	do	J. H. Avery	J. H. Avery	U. S	U. S	do	45,440 do	5,988					25,898	9		10				1	0
30	" "	Bk	Lamplighter	365	"	1854	Medford	Boston	do	E. Lambard	J. Payne	U. S	U. S	do	78,240 do	10,938					34,629	8							
31	" "	Schr	Yorktown	145	"	1853	Balto	N. York	do	J. H. Shuckling	J. Perkins	U. S	U. S	Ditto and flour	1,068 bbls, 1,200 staves	8,144					43,586	10							
32	" 17	"	Northern Belle	195	"	1855	Essex M	Boston	N. Orleans	D. Fairbank	P. Payne	U. S	U. S	Ditto and pitch	199 bls., 340 pitch	3,580					15,940	6							
33	" "	"	J. Harris	248	"	1843	Prospect	Newbury	N. York	H. McGillery	J. McGilvery	U. S	U. S	Staves	49,320 sts	7,500					21,050	7							
34	" 19	Brig	Dan l Webster	195	"	1854	Islesbore	Ilesboro	do	Geo. Williams	Geo. Williams	U. S	U. S	do	28,320 do	3,920					29,293	6				1	50 cts.	50	
35	" 21	Bk	Dan'l Webster	248	Balto	1853	Charleston	Boston	Balto	R. Rider	R. Ryder	U. S	U. S	Sacs and corn	4,324 sacs	9,500					25,332	7							
36	" 24	"	M. Ellen	195	N. York	1851	Hapswell	N. York	N. York	P. Spies	M. Malman	U. S	U. S	Staves	63,000 staves	7,900					12,651	7		6	2			2	1
37	" 25	Schr	Metis	260	Gibraltar	1852	New Port	New Port	do	B. Purde	H. B. Crane	U. S	U. S	Bbls flour, sacs, &c	825 bbls. flour, 515 sacs corn	7,950						8							
38	" 28	Brig	F. R. Rowland	295	Marseilles	1855	Brookhaven	Brookhaven	N. Orleans	C. Homer	H. L. Rowland	U. S	U. S	Cargo in transitu							19,609	6							
39	" 30	"	Nereus	143	Gibraltar	1829	Duxbury	Boston	Boston	R. Landon	J. Atkins	U. S	U. S	Pitch and transitu cargo	160 bbls	480					40,322	7	2						
40	" "	"	Josephine	394	N. York	1845	N. York	N. York	N. Orleans	J. B. Sardy	J. L. Smith	U. S	U. S	Staves	4,000 staves	5,200					18,521	8	2						
41	" "	Schr	Josephine	245	"	1855	N. York	New York	N. York	J. Sweeter	Pendleton	U. S	U. S	Slates	33,360 do	4,420						6	1						
42	" "	"	A. G. Ross	212	St. Michels	1855	Searsport	Searsport	do	M. J. Hagan	J. Swetzer			Ballast							31,399	8							
43	Sept. 2	Ship	Martha Witmore	258	Baltic	1854	Richmond	Richmond		J. D. Hoff	R. W. Parker	Baltic	Baltic	Lumber	15,094 pieces						37,900	6	2	6	6				
44	" 5	Bk	F. A. Ward	198	Barcelona	1853	N. York	N. York	N. York	E. Goodwin	J. D. Wolf			Ballast								7	1						
45	" "		Elizabeth	649	N. York	1847	Portsmouth	N. York		W. H. Shaw	Sam'l Young	U. S	U. S	Staves	39,840 staves	6,740													
46	" 15	Brig	Ocean Wave	284	Almeira	1854	Somerset	Fall River		Nelson	J. J. Ames			Transit															
47	" "		John Payson	272	Cadiz	1853	Warren	New York		E. J. Peters	P. Fuller			Ballast															
48	" 16		F. S. Means	288	Tarragona	1854	Franklin	New York		A. Davis	F. S. Means			Transit															
49	" "		Mary	299	Marseilles	1846	Medford	Boston	Boston	J. Pockard	J. Hatch			do							24,029	6	2	6	2				
50	" 19		Rambler	367	Cadiz	1854	Rockland	Rockland		do	J. Pockard			do															
				9,015												155,279					611,434	203	15	87	13			50	3

Province of Malaga and Kingdom of Granada, Spain. — Province of Malaga and Kingdom of Granada, Spain. — Raisins, wine, lead, mats, almonds, oil, liquorice paste, lemons, oranges, figs, grapes, &c., &c. — For quantity by each vessel, see approximate statement herewith, No. 4.

UNITED STATES CONSULATE, MALAGA, *Sept. 30th*, 1857
(Signed)

To all to whom these presents shall come, greeting:
I certify that the paper hereunto annexed is a true copy of the original on file in this department.
In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.
Done at the city of Washington this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.
[SEAL.]
Endorsed: Malaga. Arrival and departure of American vessels for quarter ending Sept. 30th, 1857. Offered and filed in evidence by claimant Dec. 13th, 1857. (Signed) William Bullitt, dep'ty clerk.

n of the arrival and departure of American vessels, &c., and statement of fees received at the U. S. Consulate at Malaga during the quarter ending 30th September, 1857.

ward.		CARGO. Outward.							CREWS. Inward.		Outward.		Discharged.			Shipped.		Tonnage Fees.		Noting protest.	Certified copy of same.	Entering protest.	Certified copy of same.	Order of suing and recording.	Amt. paid to surveyors.	Certified copy of surveys.	Arrests and release.	Decedant's estates fees.		Certificates to crew list and articles.		Other certificates and services.		Total of fees.		Date of clearance.	REMARKS.
	Where manufactured.	Description.	Quantity.	Value.	Where produced.	Where manuf'd.	Description.	Quantity.	Value.	American.	Foreign.	American.	Foreign.	No.	Amt.	Fees.	No.	Amt.	Fees.	Dolls.	Cents.							Dolls.	Cents.	No.	Amt.	No.	Amt.	Dolls.	Cents.		
	U. S	Ballast							$28,483			9								$1	66	1		22 95		18 25		4 00						9	$16 50	18	16	July 24	
	U. S	Bbls. flour	1,500 bbls	$12,000					24,150	9		8								1	22											2	2 50	3	72	Sept. 5	
		Cargo in transitu							33,800	8		10	3				1	$0	50	2	29											1	0 50	3	29	" 19	
	U. S	Bbls. flour	700 do	300					17,270	10	2	5	2				2	1	00	1	85											3	2 50	4	35	" 5	
	U. S	Do. and staves	1,000 do., 24,040 staves	10,800					25,523	9																									In port.	
		Cargo in transitu							10,500	9	1	9	2				1	0	50	1	39											2	2 50	4	39	Sept. 19	
		Ballast								10	1																								In port.	
	U. S	Staves	55,272 staves	7,738						8	2																								In port.	
	U. S	do	30,960 do	3,030					20,270	7		7									99											1	2 50	3	49	Sept. 1	
	U. S	do	4,340 do	6,166					33,973	6										1	99											3	6 50	7	49	" 2	
	U. S	do	5,184 do	6,739					23,898	9		10					1	0	50	1	53											2	4 50	6	15	" 23	
	U. S	do	45,440 do	5,968					34,629	8										1	37											5	8 50	9	87	" 7	
	U. S	do	78,240 do	10,938					43,586	10										1	82											6	8 50	10	32	" 19	
	U. S	Ditto and flour	1,068 bbls. 1,200 staves	8,144					15,940	6											72											1	0 50	1	22	" 2	
	U. S	Ditto and pitch	199 bls., 340 pitch	3,580					21,059	7											97											1	0 50	1	47	" 23	
	U. S	Staves	49,220 sts	7,500					29,193	6				1	50 cts.	50				1	24											3	3 30	5	24	" 24	
	U. S	do	28,320 do	3,920					25,332	7											97											3	4 50	5	47	" 13	
	U. S	Sacs and corn	4,324 sacs	9,500					12,651	7		6	2				2	1	00	1	30	1					1	1			1	$0 50	2	2 50	7	30	" 17	
	U. S	Staves	63,000 staves	7,900						8																									In port.	
	U. S	Bbls flour, sacs, &c	826 bls. flour, 515 sacs corn	7,950					19,669	6											73	1										3	2 50	4	22	Sept. 22	
	U. S	Cargo in transitu							40,322	7	2									1	96											4	6 50	8	46	" 18	
	U. S	Pitch and transitu cargo	160 bbls	480					18,521	8	2									1	22											3	6 50	7	72	" 19	
	U. S	Staves	4,000 staves	5,200						6	1																								In port.	
	U. S	Slates	33,360 do	4,420					31,399	8										1	29											2	4 50	5	79	Sept. 10	
		Ballast							27,900	6	2	6	6								99											3	4 50	5	49	" 17	
	Baltic	Lumber	15,094 pieces																																In port.	
		Ballast								7	1																								In port.	
	U. S	Staves	39,840 staves	6,740																															In port.	
		Transit																																	In port.	
		Ballast																																	In port.	
		Transit																																	In port.	
		do							24,029	6	2	6	2								97											2	2 50	3	47	In port.	
		do																																	In port.	
				155,279					611,434	203	15	87	13			50		3	50	27	77	3		22 95	$4	15 25		4	1	1		50		115 50	197	97		

No.—. U. S. Consuls are specially instructed to state in additional columns, to be prepared by them, the amount of every and any fee received by them for services other than those above specified. This form is to be followed by United States Consuls residing at ports, and to be transmitted quarterly to the Department of State.

JOHN SOMERS SMITH, *U. S. Consul.*

U. STATES OF AMERICA, DEPARTMENT OF STATE.

the Department of State to be affixed.

laimant Dec. 13th, 1857. (Signed) William Bullitt, dep'ty clerk.

(Signed) LEWIS CASS.

Return of the arrival and departure of American vessels, &c., and statement of fees received at the United States Consulate, the Island of Malta,

No.	VESSELS. Month.	Day.	Class.	Name.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	CARGO. Where produced.	Where manufactured.	INWARD. Description.	Quantity.	Value.	OUTWARD. Where produced.	Where manufd.	Description.	Quantity.	Value.	INWARD. American.
1	Jan'y.	1	Barque	Young Greek	458 50-95	Cardiff	1855	Medford	Boston	Sicily	A. Hardy	J. Humphrey	Great Britain		Coal	692 tons.	$6,060			Ballast			10
2	"	1	Barque	Georges	266 65-95	do	1846	Thomaston	Thomaston	Sicily	John H. Magann	I. H. Magann	do		do	208 tons.	2,860			Ballast			7
3	"	16	Barque	E. A. Parsons	291 60-95	N. Orleans	1850	Robbinston	Boston	Sicily	W. P. Draper	Sam'l Webb	U. States		100 hhds. tobacco, 694 bls. wine		26,000			Ballast			7
4	"	17	Barque	Neapolitan	321 60-95	Boston	1856	Kingston	Kingston	Smyrna	Jos. Holmes	David Ellis	U. S. and W. Indies		Tobacco, rosin, flour, rum, logwood, coffee, pepper, &c.	Portion of do	27,000			Gen'l cargo	Portion		10
5	"	23	Barque	Comodore	199 12-95	do	1846	East Haddam	New York	Sicily	Fred. Holmes	Fred. Williams	do and do		Tobacco, rosin, logwood, mahogany samples	Whole cargo	14,000			Ballast			7
6	Mar.	14	Bark	Voyager	328 78-95	Smyrna	1854	Charleston	Boston	New York	G. G. Ryder	A. Nicherson	Turkey		779 bales wool, brooms and sponges	Entire do				Entire cargo			9
7	do.	24	Bark	Lepanto	299	Sumatra	1845	Waldeborough	New York	Trieste	H. Dulith	E. T. Sewell	Sumatra		Pepper	do	80,000			do	Entire	$80,000	7
8	April.	12	Ship	Mary and Martha	336 50-95	Boston	134	Westbrooke	Boston	Smyrna	I. P. Tarbell	S. Reed	U. S. and W. Indies		Rum, rosin, logwood, cloves, coffee and merchandize	Portion of do	70,000			Portion of cargo			10
9	do.	25	Bark	Avoia	309 16-95	do	1841	Waldeborough	Boston	Beyrout	E. Lombard	C. Kendrick	do and do		Tobacco, rum, logwood, ginger, turpentine, &c	do				do			8
10	May.	21	Bark	Grapeshot	345 6-95	Constantinople	1853	Cumberland	New York	Seeking freight	Geo. Law	J. C. Clark			Ballast					Ballast			11
11	do.	26	Sch'r	Silver Key	92 8-95	Boston	1855	Gloucester	Boston	Sebastopol	E. Lawson	I. C. Cauler	U. States		Machinery	Entire cargo				Entire cargo			13
12	June	7	Bark	E. Scully	674 44-95	Trieste	1855	Warren, R. I.	New York	Cardiff	Chs. Smith	H. P. Carr			Ballast					Ballast			13
13	do.	16	Barque	Vesta	196	do	1848	Medford	Boston	Boston	I. P. Tarbell	I. P. I. Percival	Barbary		Wool, oil, &c., &c	Entire do				Entire cargo			7
14	do.	30	Barque	Cambridge	295 1-95	Boston	1855	Charleston	Boston	Smyrna	Reyder & Hardy	H. Harding	U. S. and W. Indies		Rum, brandy, sugar, pepper, and manufactures	Portion do	38,000			Portion of cargo			9
15	July.	4	Barque	Comodore	199 12-95	Boston	1846	East Walden	New York	Boston	F. Williams	F. Williams	Barbary		Wool, oil, &c., &c	Entire do	14,077			Ballast			8
16	Aug.	5	Ship	Chas. and Jane	499	Havanna	1852	Pilpsburg	Pilpsburg	Trieste	R. G. Morse	I. Booker	West Indies		3,250 boxes sugar, cigars	do	150,000			Entire cargo			10
17	do.	13	Barque	Henry Hill	568 68-95	Boston	1856	Boston	Boston	Smyrna	C. S. Brown	Chs. Walbon	U. States		3 to 400 tons rice	Entire do	7,000			Ballast			15
18	do.	29	Barque	Volunteer	288 14-95	do	1851	Yarmouth	Boston	do	Jas. Agaman	L. Hamilton	U. S. and W. Indies		Rum, brandy, rosin, and logwood	Entire do	7,800			Nearly whole cargo			9
19	Sept.	17	Barque	Gayhead	303 21-98	do	1852	Robbinston	Boston	Constantinople	A. Agaman	E. Mayo	U. States		Manufactures, spirits of turpentine, &c	do				Entire cargo			9
20	Oct.	1	Sch'r	B. Delano	225	Wilmington, N. C	1857	Barnstable	Barnstable	Boston	Wm. Baker	Wm. Baker	do		Rosin	do	4,600			do			6
21	do.	11th	Barque	John Wesley	315	Cardiff	1854	Cherryfield	Castine	Odessa	Chs. Wilder	I. W. Sylvester	G. Britain		Coal	do				Ballast			10
22	do.	28	Brig	Sea Foam	264 40-95	Messina	1854	Tahsouth	New Bedford	Messina	S. Short	L. Handy			Ballast					do			8
23	do.	30	Brig	Civilian	197	Gibraltar	1851	Waldeborough	Provincetown	do	G. Smith	G. Smith	America		Tobacco and deals	Portion do	11,720			do			6
24	Nov.	6	Ship	Chas. and Jane	499	Trieste	1852	Pilpsburg	Pilpsburg	New York	R. G. Morse	John Baker	Austria		Rugs and guns	Entire do	About 40,000			Entire cargo			12
25	Dec.	14	Barque	Pathfinder	420	Boston	1854	Thomaston	Thomaston	Constantinople	R. Hayden	R. Kallock	America		Rum, and general cargo	do	35,000			do			11
26	do.	15	Barque	Vesta	196	Boston	1858	Medford	Boston	Constantinople	F. Brothers	I. G. I. Percival	do		Rum	do	17,000			do			7
27	do.	29	Barque	Nevada	278	Boston	1850	Thomaston	Boston	Trieste	do	G. Percival	Sumatra and U. States.		Pepper, and general cargo	do	38,000			do			9

Fees other than those specified received in 1857.

During the first quarter, for certificate	$30 29.	Per passport,	$13.	Total
During the second quarter for certificate	25 00.	" "	5.	"
During the third quarter for certificates	8 00.	For passp'ts,	1.	
During fourth quarter, for certificate	14 75.	Per passports,	2.	

The barque " Gayhead" and Vesta having arrived with damage, I could not carry out in the headings of this return the fees paid for the different services rendered ; but I will forward to the department, when required, an exact copy of these accounts as they were

To all whom these presents shall come, greeting :

I certify the paper hereunto annexed is a true copy of the original on file in this department.
In testimony whereof, I, Lewis Cass, Secretary of State of the United Stats, have hereunto subscribed my name, and caused the seal of the Depatment of State to be affixed.
Done at the City of Washington this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.
[SEAL]

Endorsed: Malta. Arrivals and departures of American vessels, year 185'. Filed and offered in evidence by claimant Dec'r 13th, 1859. Signed Willliam Bullett, deputy clerk.

...is, &c., and statement of fees received at the United States Consulate, the Island of Malta, during the year ending December 31st, 1857.

CARGO.								INWARD.		OUTWARD.		DISCHARGED.			SHIPPED.			TONNAGE FEES.		FEES FOR—									DECEDENT'S ESTATE FEES.		CERTIFICATE TO CREW LIST AND ARTICLES.		OTHER CERTIFICATES AND SERVICES		TOTAL OF FEES.		Date of clearance. 1857.	Remarks.
INWARD.				OUTWARD.																Noting protest.	Certified copy of same.	Extending protest.	Certified copy of same.	Ordered survey and recording.	Amount paid to surveyors.	Certified copy of survey.	Arrest and release.										
Quantity.	Value.	Where consigned.	Where received.	Description.	Quantity.	Value.	American.	Foreign.	American.	Foreign.	No.	Amt.	Fees.	No.	Amt.	Fees.	Dolls.	Cents.									Dolls.	Cents.	No.	Amt.	No.	Amt.	Dlls.	Cents.			
800 tons	$8,000			Ballast			10	3	10	3							2	29	1					4							2	3	10	29	17 Jan'y	
200 tons	2,000			Ballast			7	2	7	2							1	33	1					4							2	4	10	33	22 Jan'y	
Whole cargo	28,000			Ballast			8	1	8	3	1	$1	0	3			1	45	1	1											2	4	11	45	26 "	
Portion of do	27,000			Gen'l cargo	Portion		10	1	10	1							1	16	1												2	4	10	60	4 Febr'y.	
Whole cargo	14,000			Ballast			7	1	7	1								99	1	1			3								2	3	16	53	Mar. 15	
Entire do				Entire cargo			9	4	9	4							1	54						8							2	3	16	53	" 16	
do	7,000			do	Entire	$80,000	7	6	7	6							1	49													3	4 5-100	6	59	Ap. 14	Arrived with damage.
Portion of do	20,000			Portion of cargo			10	4	10	4				1	1		1	58	1	1				4							2	4	12	58	May 1	
do				do			9	1	9	1							1	54													2	3 25-100	4	79	May 21	
				Ballast			11	1	11	1							1	32													1	2	3	72	May 26	
Entire cargo				Entire cargo			13		13									45													1	2	2	45	June 8	
				Ballast			13	3	13	3							3	37													1	2	5	37	June 25	
Entire do				Entire cargo			7	4	7	4								97													2	2	2	74	July 1	
Portion do	8,000			Portion of cargo			9	2	9	2							1	47	1	1											1	2	5	47	"	
Entire do	14,000			Ballast			8		8									99													2	3 25-100	4	24	Aug. 12	
Entire do	150,000			Entire cargo			10	5	10	5				5	2	50	2	49	1	1											6	11 50-100	18	49	" 23	
Entire do	7,000			Ballast			15	1	15	1							2	84													1	2	4	84	Sept 21	
Entire do	7,000			Nearly whole cargo			9	1	9	1							1	44															8	44	" 30	
do	4,000			Entire cargo			9	2	9	2							2	96	1			1	1										48	32	Nov. 8	Fees paid to notary public and surveyors included; arrived with damage.
do				do			6	1	6	1							1	12													2	4	5	12	Oct. 19	Met with damage; put into St. Thomas.
do				Ballast			10		10								1	57															3	57	" 27	
do				do			8		8								1	32													1	2	3	32	Nov. 4	
do				do			6	1	6	1								98	1	1											2	4	5	30	" 9	
Portion do	11,720			do			12	3	12	3							2	49													3	5	7	49	Dec. 17	
Entire do	About 50,000			Entire cargo			11		4	6	7	3	50	6	3		2	10													2	3 50-100	12	19	Feb. 30, 1858.	Paid clearance—Fees paid to notary pub. and surveys included; arrived with damage.
do	25,000			do			7	2	7	2								98															98	24		
do	18,000			do			9	2	9	2							1	39	1	1											3	6	9	39	Dec. 26	

Fees other than those specified received in 1857.

rtificate	$30	29.	Per passport,	$13.	Total..... $43 29
ertificate	25	00.	" "	5.	" 30 00
ificates	8	00.	For passp'ts,	1.	..... 9 00
icate	14	75.	Per passports,	2.	..... 16 75

rward to the department, when required, an exact copy of these accounts as they were rendered to, and paid by, the parties concerned.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

(Signed) LEWIS CASS.

348, 349, 350, 351, 352, 353, 354, 255, 356, 357, 358, inc.

Arrivals and departures of American vessels at the United States Consulate, at Rio de Janeiro, from 1st day of July to the 30th of September, 1857.

VESSELS.												CARGOES.									
												INWARD.				OUTWARD.					
No.	Month.	Day.	Classes.	Names.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound	Owners.	Masters.	Where produced.	Where manufactured.	Description.	Quantities.	Values.	Where produced.	Where manufactured.	Description.	Quantities.	Values.	Date of departure. Month. Day.
121	July.	1	Ship	Martha	533	Boston	1853	Portsmouth	Boston	Calcutta	A. Rich	E. Sampson	U. States	U. States	Sundries		$5 000	Brazil		Ballast			
122	"	"	B'k	Alamo	507	Liverpool	1854	N. York	N. York		G. W. Mudget	E. W. Mudget	England		Coals	640 tons	7,430	ditto					
123	"	"	"	Octavia	324	Richmond	1857	Baltimore	Richmond	Philadelphia	Moore	Moore	U. States		Flour	3,475 bbs.	46,700	ditto		Coffee	4,389 bags	$64, 635	
124	"	"	"	Indus	404	Baltimore	1849	Baltimore	Baltimore	New Orleans	Thompson	Thompson	ditto	U. States	ditto &c.	7,744 "	66,000	ditto		ditto	4,700 "	70, 500	
125	"	2	Ship	Carico	460	Phil'a	1851	Phil'a	Philadelphia	Philadelphia	Hoffner	Hoffner	"	"	"	1,400 "	36,800	ditto		ditto	6, 500 "	97, 500	
126	"	3	Brig	Foaming Sea	228	Baltimore	1855	Baltimore	Boston	Boston	Beauchamps	Beauchamp	ditto	ditto	ditto	505 &c.	16,000	ditto		ditto	3, 125 "	46, 875	
127	"	4	Ship	Amelia	537	N. Orleans	1852	Sag Harbor	New Orleans	New Orleans	Raymond	Raymond	ditto		ditto		40,000	ditto		ditto	6, 114 "	91, 710	
128	"	7	B'k	Meaco	299	ditto	1855	Pembroke	ditto	ditto	Gohan	Gohan	ditto		Sundries		30,000	ditto		ditto	4, 300 "	64, 500	
129	"	7	"	Fame	363	Richmond	1854	Baltimore	Baltimore	Baltimore	D. Curri	Kennedy	ditto		Flour	4,250 lbs- 300½	52,800	ditto		ditto	6, 000 "	90, 000	
130	"	7	"	Alcrela	298	N. York	1853	Maine	Searport	New York	C. P. Cannes	Gilkey	ditto	ditto	Sundries		26,000	ditto		ditto	1, 903 "	28, 545	
131	"	11	"	Hamilton	272	Ivaca	1846	ditto	Salem	Boston	H. Gardner	Webster	Italy		Salt	238	6,000	ditto		ditto	2, 816 "	42, 240	
132	"	14	Ship	Amazon	569	Boston	1839	ditto	Boston	"	C. Dillany	Ringot	U. States		Lumber		Unkown	ditto		ditto			
133	"	17	B'k	Anna	421	B. Ayres	1854	P. Jefferson	N. York	U. States	Wheeler	Wheeler			Ballast			ditto			6, 000 "	90, 000	
134	"	20	"	Merlin	213	"	1840	Medford	Boston		P. A. Stone	Richard			ditto								
135	"	23	Ship	Maria	394	N. York	1849	N. York	New York	N. York	S. A. Ironsides	Simpson	ditto	ditto	Sundries		40,000			Ballast			
136	"	"	Brig	Wm. Nelson	239	Phil'a	1855	Baltimore	Philadelphia	ditto	J. Welsford	Fasel	ditto	ditto	ditto		25,000	ditto		Coffee	3, 000 "	45, 000	
137	"	24	B'k	Weather Gage	273	N. York	1853	Sag Harbor	N. York	ditto	McKey	McKey	ditto	ditto	Flour &c		30,000	ditto		ditto	4, 234 "	62, 060	
138	"	25	"	Urania	406	Phil'a	1856	N. York	ditto	Phil'a	Miller	Turner	ditto		ditto	3,232 lbs	43,580	ditto		ditto	5, 500 "	79, 500	
139	"	26	Brig	Montic-lo	2,697	Baltimore	"	Baltimore	Baltimore	Baltimore	S. A. Reid	Hopkins	ditto	ditto	Sundries		20,000	ditto		ditto	5, 000 "	45, 000	
140	"	27	B'k	Chivalie	543	Bahia	1857	"	New York	New Orleans	Waruch	Anderson	ditto		Flour	2,435 "	29,220	ditto					
141	"	28	Brig	Chattanooga	208	ditto	1852	"	Baltimore	Baltimore	R. Ware & als.	Norris			Ballast			ditto		ditto	3, 077	46, 155	
142	"	29	Sch'r	Pocahontas	217	Charleston	1846	N. York	N. York		Bulkley	Bulkley	ditto		Lumber	111,590 ft.	8,000						
143	"	"	B'k	Withelmin	370	Baltimore	1856	"	ditto	H. Roads	Oelueh's	Dillingham	ditto		Flour, &c		30,000	ditto		ditto	5, 000	75, 000	
144	"	"	"	St. James	335	Philadelphia	1857	Phil'a	Philadelphia	Philadelphia	J. Deveraux	Crinse	ditto		ditto		30,000	ditto		ditto	4, 500	67, 500	
145	August.	2	"	Mary Elizabeth	366	Rio Platte	1853	Maine	Boston	N. Orleans	Bringham	Stetson			Ballast								
146	"	"	Ship	Jno. Stuart	1,653	Callao	"	N. York	New York	Cork	J. Smith	Sherman	Peru			Unknown							
147	"	"	"	Banshee	480	Barcelona	1850	Baltimore	Baltimore	Balt'o	H. Jenkins	Wengal	Spain		Sundries		12,000	ditto		ditto	3, 506	52, 590	
148	"	3	B'k	Roanocke	318	N. York	1857	Philadelphia	New York	U. States	Kirkland	Parker	U. States		ditto		40,000	ditto		ditto			
149	"	5	"	Cavalier	316	Balt'e	1855	Baltimore	Baltimore	Baltimore	J. Hooper	Kirman	ditto		Flour	2,710 lbs.	33,876	ditto		ditto	4, 400	66, 000	
150	"	"	"	Imperador	378	Richmond	1857	ditto	New York	Philadelphia	M'Key & al.	Hubbard	ditto		ditto	3,400 do.	40,800	ditto		ditto	328	40, 200	
151	"	"	"	Hennatta	447	B Ayres	1856	ditto	Baltimore	U. States	Whirtridge	Ellis			Specia	1,230 ounces	19,680	ditto		ditto	5, 000	75, 000	
142	"	8	"	Grapeshot	445	Isl'd of Salt	1853	Maine	N. York		Geo. Law	Clark	Gape Verde		Salt		6,000						
153	"	9	"	Storm Bird	529	N. York	1854	N. York	ditto		A. Larg	G. Grand	U. States		Lumber	19,500 ft.	10,000						
154	"	"	"	Morning Star	289	Liverpool	1852	Maine	New Orleans		Close & als.	Close	England		Coals		10,000						

155	"	"	Sch'r	Y. America	370	B. Ayres	1853	N. Jersey	New York	N. Orleans	Williams & al	Powers			Sundries		5,000	ditto						
156	"	"	Brig	Sea Foan	199	N. York	1852	Baltimore	ditto	N. York	G. A. Ironsides	Price	U. States		ditto		12,000	ditto	ditto	2,321 do	33,595	00		
157	"	13	B'k	Julia Dean	299	Charleston	1853	Maine	Charleston	New Orleans	J. Steel	Gage	ditto		Lumber	108 8-12 dozen	10,000	ditto	ditto	4,600 do	53,000	00		
158	"	17	Brig	Ida D. Rogers	216	Jacksonville	1856	N. York	N. York	N. York	J. Johnson	Taylor	ditto		Sundries		8,000	ditto	ditto	3,250 do	48,750	00		
159	"	18		Echo	320	Baltimore	1854	Baltimore	Balt'o	Balt'o	Sterling & al	Long	ditto		Flour, &c.		20,000	ditto	ditto	2,450 do	36,750	00		
160	"	21	Brig	Executive	289	Bangor	1853	Maine	Bangor		Giddings	Eldwige			Sundries		8,000							
161	"	23	B'k	W. H. Newman	415	B. Ayres	1855	Balt'o	Baltimore	Baltimore	Hooker	Garet			Ballast			ditto	ditto	2,032 do	30,030	00		
162	"	24	Ship	Conover	554	ditto	1852	Massa.	New York	N. York	Elliot & al	Baonses	River Platte		Lead	498 bundles	5,000	ditto	ditto					
163	"	25	B'k	Virginian	309	M'video	1849	Baltimor e	Richmond	Baltimore	J. Canie & al	Miller			Ballast			ditto	ditto	5,300 do	79,500	00		
164	"	26	B'k	Zingarella	322	N. York	1856	Mossa	New York	N. York	J. Gaitland	Bunker	U. States		Sundries		40,000	ditto	ditto					
165	Sep't	1st	Brig	Sprite	196	ditto	"	Boston	ditto	ditto	S. J. Ironsides	Cravell	ditto		ditto		25,000	ditto	ditto					
166	"	"	Ship	Ellerslie	407	Richmond	1852	Baltimore	Philadelphia	ditto	Harrison	Coatts	ditto		ditto		38,000	ditto						
167	"	"	Bark	Rainbow	341	Phil'a	1847	ditto	ditto	Phil'a	Murhau & al	Baxter	ditto				20,000	ditto	ditto	4,360 do	64,500	00		
168	"	2	B'k	Reindeer	426	ditto	1849	ditto	ditto	ditto	ditto	Semmons					25,000	ditto	ditto					
169	"	3	B'k	Rover	358	Pensacola	1848	N. York	New York		Wm. Nelson	Vanlif	ditto		Lumber	16,307 ft.	9,500							
170	"	"	Brig	B. R. Eaton	198	Wilmington	1856	Maine	Searsport	Phil'a	J. Eaton & al	Gilkey	ditto		ditto	141,651 "	8,000							
171	"	8	B'k	Alice	336	Montivideo	1857	J. Jefferson	New York		Redway	Thompson						Brazil	Coffee	4,370 do	65,550	60	Sept.	30th
172	"	10	B'k	Lapining	504	Baltimore	1853	Baltimore	Baltimore		Jenkins	Kelley			Ballast			Brazil	Coffee	4,712 do	70,600	00	"	21
173	"	12	B'k	Horace	234	Charleston	1850	Maine	Charleston	Charleston	S. Steel & al	Carver	U. States		Rice & lumber	180,300	48,500						Still in port.	
174	"	13	Brig	Pedee	256	Rio Grande	1855	ditto	New York		Murray	Baker			Ballast								ditto	
175	"	14	Sch'r	G. H. Townsed	244	N. York	1854	Brookhaven	Brookhaven		Davis & als.	Davis	U. States		Sundries	200,000	2,000						ditto	
176	"	"	Ship	Sunny South	702	ditto	1854	N. York	N. York	N. York	G. Roth	Stephenson	ditto		Fl'r & ditto	877 bbs.	45,000	ditto	ditto	6,050 do	90,750	00	September	29th
177	"	15	B'k	Blue Wing	498	Baltimore	1856	Baltimore	Baltimore	Baltimore	Chester	Barham	ditto		Flour &c.	3,150 "	48,800						Still in port.	
178	"	"	Brig	Tallulah	270	Charleston	1857	ditto	ditto		Pendergrast	Plumner	ditto		Lumber	1,402 feet	10,000						ditto	
179	"	"	Bark	Acher	405	London	1854	Maine	Porthbay		R. Lewis	Lewis	England	England	Sundries		47,592						ditto	
180	"	18	B'k	C. A. Cockran	326	Pensacola	1852	ditto	Searsport		Noyes & als.	Noyes	U. States		Lumber	205,549 "							ditto	
181	"	19	Ship	Rattler	794	N. Orleans	1854	Baltimore	Baltimore	N. Orleans	Chase & Co.	Forrest	ditto		Flour	3,966 bbs.	52,800						ditto	
182	"	22	B'k	Concordia	264	Sag. Harbor	1856	Massa.	Sag Harbour	Whaling	Broer & al.	M. Corkell			Whale oil		12,000						ditto	
183	"	23	B'k	Mondoim	390	Baltimore	1855	Baltimore	Baltimore	Baltimore	Whetridge	Collens	ditto		Flour	6,463 "	52,800						ditto	
184	"	"	B'k	Elberta	346	Bangor	1854	Maine	Prospect		Hickborn	Hickborn	ditto		Lumber	125,238 ft.	12,000						ditto	
185	"	"	Ship	Juniper	513	N. Orleans	1852	ditto	Phiadelphia		Newhall	S. Favor	ditto		Flour	3,763 lbs.	45,150						ditto	
186	"	24	Ship	Coosanatte	960	Liverpool	1853	ditto	Savanah		Wilder & al.	Paxton	England		Coals	1,284 tons	15,408						ditto	
187	"	25	Brig	Torrent	299	Hamburg	1854	ditto	Boston		Sibbans & al.	Montgomery		Germany	Sundries		30,000						ditto	
188	"	"	B'k	Sallie Magee	279	Richmond	1857	Baltimore	Richmond	Richmond	D. Carrie	Clements	U. States		Flour	2,212 bbs.	26,540						ditto	
189	"	28	B'g	Cynthia	176	Cape Town	1848	ditto	N. York		G. Merle	Baxman	ditto		Horses &c.		10,000						ditto	
190	"	29	B'k	F. Holmes	673	N. York	1855	N. York	ditto		Hadley	Smith	ditto		Coals	799½ tons	9,594						ditto	
194	"	30	B'k	Eveling	198	Wilmington	1851	Maine	Prospect		J. F. Hickborn	Ames	ditto		Lumber	181 dozen	8,000						ditto	

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting :

I certify that the paper hereunto annexed is a true copy from the original on file in this Department.

In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.

[SEAL.] (Signed) LEWIS CASS.

Endorsed: Rio Janeiro. Arrivals and departures of American vessels, 3d quarter of 1857. Filed and offered in evidence by claimant Dec. 13, 1859. (Signed) William Bullitt, dep'ty clerk.

Arrivals and departures of American vessels at the U. S. Consulate at Rio Janeiro from the 1st October, 1851, to the 31st day of December, 1857.

	VESSELS.											CARGOES.										
												INWARD					OUTWARD.					
No.	Month, day.	Class.	Names.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	Where produced.	Where manufact'd.	Description	Quantities.	Values.	Where produced.	Where manufact'd	Descript'n.	Quant's.	Values.	Date of departure. Month, day.
195	October 1st	Sch'r	North Point	395	Richmond	1855		New York	H. Roads	A. Cowden	A. R. Swain	U. States		Flour	2, 800 bbls	$33, 600	Brazil		Coffee	4, 300 bgs	$ 1, 300	Oct. 31st
196	" 1	B'k	Smallwood	470	Baltimore	1856	Baltimore	Baltimore	N. Orleans	D. and H. Martin	J. Martin	ditto	U. States	Lumber, &c	124, 263 feet	10, 000	ditto	ditto		99, 000	Nov. 6th
197	" 2	Brig	A. M. Roberts	218	Pensacola	1852	Belfast, Me	Maine	N. Orleans	Scolsout, Co	S. Colson	ditto		ditto	151, 761 feet	6, 000	ditto		ditto	800	12, 000	" 18
198	" 3	B'k	Antelope	244	Baltimore	1850	Baltimore	Baltimore	Balt'o	J. J. Hooper	Baneth	ditto		Flour	1, 900 bbs. 167 half.	23, 800	ditto		ditto	3, 000	45, 000	Oct. 14th
199	" 4	B'k	Parana	261	Machias	1846	Portland	New York	N. York	J. T. Thompson	G. Mason	ditto	ditto	Lumber, &c	175, 653 ft	8, 600	ditto		ditto	235	15, 000	Nov. 21
200	" 2	B'k	Lighton	317	Baltimore	1856	Baltimore	Balt'o	N. Orleans	B. B. Buck	A. S. Hunter	ditto		Flour	2, 722 bbs. 210 hats	52, 960	ditto		ditto	4, 420	66, 300	Oct. 23
201	" 3	Brig	Wm. H. Steward	206	Madena	1851	Dorchester	New York	Rio Grande	J. P. Week	J. L. Boyant			Ballast	200½ bbls							22
202	" 3	Ship	Grey Eagle	595	Richmond	1851	Phil'a	Phil'a	Phil'a	G. Newhall	A. Hughes	ditto		Flour	3, 737 bbs	46, 104	ditto	Ballast			54, 180	" 19
203	" 10	B'k	Union	391	Montevideo	1856	Addison	New York	Cork	F. Church	M. Ruland			Ballast			Peru		Guano			Nov. 14
204	" 10	B'k	Japonica	265	Philad'a	1849	Phil'a	Phil'a	N. York	U. Wellsford	U. B. Shelden	ditto	ditto	ditto and sund	1, 568	20, 816	Brazil		Coffee	2, 671	45, 065	" 13
205	" 13	B'k	A. A. Draport	336	B. Ayres	1853	Phil'a	Phil'a	Phil'a	J. Courtier	J. Hewett			Ballast			ditto		ditto		30, 000	Oct. 29
206	" 14	B'k	Paladan	460	B. Ayres	1850	Baltimore	Baltimore	N. Orleans	C. M. Stevens	J. S. Wilson			ditto			ditto		ditto	5, 700	85, 560	" 21
207	" 20	Brig	Helen	193	St. John's	1846	Baltimore	Baltimore	Baltimore	J. Whiting	A. Reynolds	ditto					ditto	ditto	ditto	1, 242	18, 630	
208	" 20	B'k	Ourman	348	Pensacola	1853	Falmouth	New York	St. Thomas	F. Maydette	Y. Sterling	ditto		Lumber	174, 705 feet	8, 000		Ballast				Dec'r. 15
209	" 21	B'k	Brazileiro	540	New York	1856	Baltimore	New York		W. Kirkland	J. B. Bayser	ditto	ditto	Sundries		40, 000						Still in port
210	" 21	Ship	Revere	734	Boston	1849	New York	Boston	Callao	O. Hows	M. M. Rock	England		Coals	1, 084 tons			ditto				Dec. 2
211	" 22	B'k	A. E. Grant	356	Richmond	1856	Baltimore	Richmond		J. Carret	W. Nelson	ditto		Flour	3, 608 bbls	45, 172						Still in port
212	" 22	B'k	Y. B. Lancaster	351	Richmond	1853	Milford	Phil'a		W. Somers	Wm. Somers	U. States			4, 035 bbls	10, 000						ditto
213	" 26	Ship	Waverly	749	New York	1853	Chas., Mass	Boston	Australia	F. Nichols	La Lace			Sundries								ditto
214	" 27	B'k	Wheatland	498	Richmond	1856	Baltimore	Balt'o	L. Gettings	J. J. Despau	J. J. Despau	ditto		Flour and lumber	4, 253 bbls	52, 956	Brazil		Coffee	2, 000 bgs	30, 000	Nov. 20
215	" 28	B'k	Richmond	198	Pensacola	1843	Portsmouth	Thomaston	River Platte	G. N. Lawrince	W. W. Wilson	ditto		Lumber				ditto				Oct. 30
216	" 28	Ship	Augustus Ward	491	Callao	1843	Newburryport	Newburryport	Condened	E. W. Wright	D. W. Small	Peru		Guano				"				Still in port
217	" 29	B'k	Aberdeen	348	Swanselg	1856	Searsport	Searsport	Cuba	B. F. Rice	B. F. Rice	England		Coals	491 tons			Ballast				Dec. 15
218	" 30	B'k	Asa Sawyer	492	London	1853	Stonnington	Mystic		Y. D. Gates	J. D. Gates	ditto		Sundries								Still in port
219	" 31	B'k	Mary Sawyer	305	Kennebeck	1853	Wells	Wells	Charleston	W. B. Bartlett	W. B. Bartlett	U. States		Lumber	124, 052							Dec'r 29
220	" 31	Sch'r	Lightning	235	Richmond	1847	Baltimore	Baltimore	Rio Grande	J. J. Hand	W. D. Daniel	ditto		Flour	1, 736 bbs. 200½	22, 032		Ballast				Nov. 21
221	Nov. 7	B'k	Huntington	385	Baltimore	1852	Baltimore	Baltimore		B. M. Corner	F. Baldwin	ditto		Sundries		20, 000						Still in port
222	" 7	B'k	Charlotte E. Vay	199	Richmond	1852	Wilmington	Phil'a	Phil'a	J. Newhall	A. J. Hughes	ditto		Flour	2, 495 bbls	29, 940	Brazil		ditto	2, 000	30, 000	Nov. 14
223	" 7	B'k	S. A. Nichels	296	Baltimore	1857	Laisport	Lawport		J. C. Michel	Y. C. Michel	ditto		ditto	2, 211 bbls	33, 532						Still in port
224	" 8	B'k	Laura Russ	284	Richmond	1854	Belfast	Belfast		J. A. Russ	J. A. Russ	ditto		Lumber	170, 952 ft	10, 000						ditto
225	" 8	Ship	Mavilla	399	New Castle	1853	Hallwell	Hallowell		R. A. Mills	W. Robinson	England		Coals	640 tons, coal 280			Ballast				Dec. 15
226	" 8	Ship	Neptune's Carr	1, 616	New York	1850	Portsmouth	N. York	S. Francisco	L. Nickerson	D. Beas	U. States	U. States	Sundries				Same cargo				" 10
227	" 13	B'k	Panama	414	Cronstadt	1855	Harpwell	New York	N. York	C. R. Green	E. Graves	Russia		Lumber			Brazil		Coffee	4, 900	73, 500	" 17
228	" 13	Brig	Wm. H. May	228	Bahaia	1850	Baltimore	Balt'o	N. Orleans	S. Trasen	W. H. Knight			Ballast					ditto		10, 000	Nov. 28
229	" 13	B'k	Conrad	347	Pernambuco	1851	Phil'a	Phil'a		G. Harrison	W. H. Salbury			Ballast								Still in port
230	" 13	Ship	Snow Squall	742	Richmond	1853	Cape Ellis	N. York	N. Orleans	C. K. Green	J. Lloyd	U. States		Flour	5, 600 bbs 400½ do	69, 600	ditto		ditto	830	12, 495	Dec. 22

231	"	13		Morning Light	937	Phil'a	1853	Phil'a	Phil'a	Panama	S. S. Bishop	B. S. Johnson		Sundries													Nov. 26
232	"	13	B'k	Hanabal	466	Boston	1854	Newburry	Suffolk	"	W. B. Whiteland	F. Klein		Ice & Aples													
233	"	13	B'k	Clara Hazel	390	Richmond	1855	Brooklyn	Richmond	"	J. Currie	R. Nelson	ditto	Flour 400 and 400½	bls	5, 040			the same							Still in port
234	"	15	B'k	Creole	228	Bahia	1841	Balt'o	Balt'o	Balt'o	A. A. Chapar	U. G. Coffin	ditto	Ballast			ditto			3, 518 do	52, 770						ditto
235	"	15	Sch'r	Kate Stamber	481	Lisbon	1856	Essex	New York	"	J. D. Fishe	F. Andre		Wine & Sundries													
236	"	17	B'k	Cora	431	Pernambuco	1851	Baltimore	New York	New York	Z. McKee	H. McKee	Portugal	Flour 1, 364 bbs.	72 half		ditto			2, 700 do	40, 500						Dec. 19
237	"	18	B'k	Parthian	387	Richmond	1852	ditto	Richmond	"	D. Cumin	W. B. Hudgoug	U. States	ditto 400 20 half		58, 800											Still in port
238	"	20	B'k	Rebecca	299	ditto	1854	Newburry	New York	"	J. W. Sucky	R. Purland	ditto	ditto 3, 047	"	37, 564											ditto
239	"	22	B'k	Mary J. Kimball	398	London	1853	Rockland	N. Orleans	"	S. McLenan	S. S. McLenan	ditto	Sundries													ditto
240	"	24	B'k	New Light	316	Montevedeo	1855	Balt'o	Balt'o	"	J. Peirce	Z. Speights	England	ditto													Nov. 30
241	"	25	B'k	Sarah	178	Whaling	1824	Rochester	Massachusetts	Whaling	J. J. Alstote	J. P. Ronisonke	R. Plate	Ballast					Ballast								" 28
242	"	27	B'k	Oscar	369	New Bedford	1832	Fairhaven	ditto	ditto	J. Holmes	J. C. Sanders		ditto					ditto								Still in port
243	"	28	B'k	Roebuck	455	Pernambuco	1856	New York	New York	"	J. Guyham	A. Close, jr		ditto					the same								Dec. 5th
244	"	29	Ship	Maria	397	New York	1849	Hoboken	ditto	Singapore	G. Ironsides	J. Bundy	U. States	Sundries													ditto
245	"	30	B'k	Octavia	324	Richmond	1857	Baltimore	Balt'o	"	D. Currie	T. J. Moore	U. States	Flour 3, 475 bbs.	250 half do	41, 700											ditto
246	"	30	Brig	Wm. Wilson	230	New York	1855	ditto	Philadelphia	"	J. Ulsford	J. Farrel	ditto	Flour & sundries	1, 557 bbs	22, 000											ditto
247	Dec.	2	B'k	Weather Gage	375	ditto	1852	Sag Harbor	New York	"	G. H. McKey	J. McKey	ditto	Indian Corn 4, 412	bags	22, 000											ditto
248	"	2	B'k	Carlotta	610	Montevideo	1856	Balt'o	Balt'o	"	H. Urles	O. H. Marten	ditto	Ballast													ditto
249	"	7	B'k	Franklin	227	New Bedford	1852	Swansey	N. Bedford	"	W. Wilson	J. C. Howland	ditto	Ballast													ditto
250	"	7	B'k	Sophia	347	Baltimore	1855	Baltimore	Balt'o	"	S. Jones	E. Jones	ditto	Flour		3, 196 bbs. 200½ do					39, 552						ditto
251	"	7	Ship	Island Queen	460	Boston	1854	Providence	Providence	"	J. C. Hughes	F. C. Ruggles	ditto	Ice & Apples							10, 000						ditto
252	"	9	B'k	Minnesota	346	Phil'a	1849	Phil'a	Phil'a	"	J. Deveux	H. Cole	ditto	Lumber		8, 600 feet					20, 000						ditto
253	"	8	B'k	Agnes	397	Richmond	1857	New York	New York	"	F. Spies	J. M. Lindsey	dltto	Flour		3, 750 bbs. 100½ do					4, 500						ditto
254	"	8	B'k	Amanda	368	ditto	1856	ditto	ditto	"	F. Spies	R. F. Harford	ditto	"	"	3, 400 bbs. 200½ do					40, 800						ditto
255	"	8	Brig	Mount Vernon	271	Baltimore	1857	Balt'o	Balt'o	"	S. A. Reid	H. L. Hall	ditto	"	"	2, 105 bbs. 200 half					25, 380						ditto
256	"	8	Ship	Banshee	489	ditto	1850	ditto	ditto	"	H. Jenkins	P. J. Wingat	ditto	"	"	2, 037 bbs.					48, 440						ditto
257	"	8	B'k	Indus	404	N. Orleans	1849	ditto	ditto	"	Kirkland	M. Thompson	ditto	"	"	90, 989 and sundries					34, 908						ditto
258	"	9	Brig	Monticello	269	Baltimore	1856	ditto	ditto	"	J. H. Reid	J. Hopkins	ditto	"	"	2, 309 bbs. and sund.					27, 708						ditto
259	"	10	Brig	Leonard Berry	149	Boston	1854	Prospect	Prospect	"	W. Berny	W. Berny	ditto	Lumber		6, 000 ft. and cents					8, 600						ditto
260	"	10	B'k	Nimrod	340	Whaling	1841	Dartmouth	N. Bedford	"	J. Curu	S. A. Monson	ditto	Flour		Ballast 9, 205 and 200 half					34, 800						ditto
261	"	11	B'k	Winifield	247	Richmond	1857	Balt'o	Richmond	"	W. Nelson	A. Draper	ditto	do		3, 943 bbs.					47, 316						ditto
262	"	15	B'k	Rohue	394	N. Orleans	1849	Belfast	N. York	"	J. Wolford	D. Quig	ditto	do		2, 399 do					28, 693						ditto
263	"	15	B'k	Phanton	392	Philadel'a	1852	Balt'o	Phil'a	"	J. M. Rands	J. W. McDonald	ditto	U. States		Sundries					16, 000						ditto
264	"	15	Brig	Evelina Rulta	228	Baltimore	1857	ditto	Baltimore	"	J. W. Hugg	S. W. Hugg	ditto			Sundries											Dec. 19
265	"	16	B'k	Marion	338	ditto	1856	ditto	ditto	Valparaiso			ditto														Still in port
266	"	22	Ship	West'n Continent	1, 272	N. York	1853	Pembroke	Boston	California	A. Thayer	J. H. Reed	ditto			ditto 1, 205 bbs.		17, 756									ditto
267	"	24	Brig	Sea Foam	1, 888	Richmond	1852	Balt'o	New York	"	S. A. Ironsides	C. T. Price	ditto														ditto
268	Nov.	9	B'k	Hasper	391	Condon	1851	Newburyport	Newburyport	"	J. N. Cushing	J. Armitage	England					16, 000									ditto
269	"	24	Brig	Maccamaros	197	Georgetown	1855	Searsport	Bucksville	St. Thomas	A. Grant	A. Grant	U. States			Sundries		40, 009									Still in port
270	Dec.	8	Sch'r	Addison Child	461	Boston	1855	Essex	Boston	"	H. Bell	Henry Belt															ditto
271	"	31	Ship	Rebecca	534	New York	1849	Balt'o	New York	"	G. F. Elliot	H. J. Ham															
					30, 914																						

To all whom these presents shall come, greeting:

I certify that the paper hereto annexed is a true copy from the original on file in this department.

I testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 21st day of July, A. D. 1858, and of the independence of the United States of America the 83d.

(Signed.)

DEPARTMENT OF STATE.

LEWIS CASS.

369 Endorsed: Rio Janeiro. Arrivals and departure of American vessels, 4 q'r of 1857. Filed and offered in evidence by claimant Dec'r 13th, 1859. (Signed) William Bullett, deputy clerk.

Arrivals and departures of American vessels at the United States Consulate, at Rio de Janeiro, from the 1st of January to March 31st, 1858.

No.	Date. Month.	Day.	VESSELS. Class.	Names.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	INWARD CARGO. Where produced.	Where manufact'd.	Description.	Values.	Where produced.	OUTWARD CARGO. Where manufact'd.	Description.	Quantities.	Departure. Month.	Day.
1	January	2	Sch'r	Frankling	206	New York	1853	Brookhaven	Brookhaven	Phil'a	Helly	Robinson	U. States	U. S.	Sundries	$20,000 00	Brazil		Coffee	2,383 bags	February	8.
2	"	2	Bark	Grapeshot	345	Isle of Man	1853	New York	N. York		Law	Clark	C. Verd		Salt	3,800 00					In port.	
3	"	3	"	Justine	248	Balt'o	1852	Balt'o	Balt'o	Balt'o	Boudet	J. Black	U. States	U. S.	Flour and su	30,000 00	"		"	1,323 "		
4	"	4	Ship	Otonoco	547	Chincha	1848	Boston	Boston	Sold	Lord	Mason	Chincha		Guano							
5	"	6	Bark	Dennis Kelley	427	Cadiz	1855	Phil'a	Phil'a		Gesson	Corson	Spain		Wine and su	30,000 00					In port.	
6	"	9	Brig	Spite	196	New York	1856	Boston	N. York	Santos	Lifking	Crowell	U. S.	U. S		22,000 00	Ballast				Jan'y	27.
7	"	12	Bark	Lapwing	504	Balt'o	1853	Balt'o	Balt'o	Balt'o	Jenkins	Kelly	"	"		46,000 00	Brazil		"	5,500 bags	"	27.
8	"	16	"	Salavera	446	Boston	1855	Searsport	Searsport	N. Orleans	Mently	Mentz	"		Ice, apples, &c.	8,000 00	"		"	5,400 "	Feb'y	27.
9	"	20	"	S. Cushing	374	"	1856	Prospect	Boston	St. Thomas	Bland	Colcord	"		"	10,000 00	Ballast				Jan.	24.
10	"	21	Ship	Sunny South	702	New York	1854	New York	New York	Santos	Key	Stephens	"		Flour, 3,000	36,000 00	"				Jan.	30.
11	"	21	B'k	Sally Magee	279	Richmond	1857	Balt'o	Richmond	Richmond	Currie	Clement	"		" 2,875	30,000 00	Brazil		"	3,321 "	Feb'ry	13.
12	"	26	"	Elf	328	"	1856	Richmond	N. York	Santos	Ironsides	Percival	"		" 2,723	32,600 00	Ballast				"	5.
13	"		Ship	Gallego	506	"	1855	Newburyport	"	New York	Foster	Wolfe	"		" 4,800	57,600 00	Brazil		"	7,100 "	"	23.
14	"	27	B'k	Henrietta	457	Montevideo	1856	Balt'o	Balt'o	Balt'o	Whitridge	Ellis	Ballast				"		"	5,000 "	"	13.
15	"		Sch'r	Emily Kieth	209	New York	1854	Wille'burg	N. York	St. Thomas	H. Penny	Penny	"	U. S	Flour and sundries	18,000 00	Ballast				March	20.
16	February	1	Bark	Rainbow	341	Bahia	1847	Balt'o	Phil'a	H. Roads	Newhall	Kerlin	"				Brazil		"	4,150	"	10.
17	"		"	Brazilliera	510	Sea	1856	"	N. York	New York	Kirkland	Baxter	Brazil		Coffee						Febr'y	
18	"	2	Singarilla		322	Bahia	1856	H. Hall	"	"	Gaillard	Bunker	Ballast		Flour, 1,499		"		"	4,500	"	12.
19	"	5	"	Raindeer	426	Richmond	1849	Balt'o	Phil'a	"	Newhall	Simmers	U. S			17,998 00	"		"	5,502	March	24.
20	"	11	"	Chantileer	332	Montevideo	1853	Will'sburg	N. York	St. Thomas	Greeny	Slackford	La Platte			10,000 00	Ballast				Feb'ry	15.
21	"	14	"	A. Cooper	395	"	1853	Pillston	Pillston	"	Walsh	Rollins	Ballast				"				March	13.
22	"		"	W. H. Newman	415	Richmond	1855	Balt'o	Balt'o	Balt'o	Hooper	Gavol	U. S		Flour, 3,900	46,800 00	Brazil		"	2,081 "	"	2.
23	"	15	Brig	Brandywine	207	Bahia	1840	Phil'a	Phil'a	H. Roads	Newhall	Cormick	Ballast				Ballast				"	
24	"	17	Brig	Kate Fosier	198	St. Jago	1851	Bangor	N. York	Valparaiso	Horn	Billings	Cuba		Tobacco		Same cargo				"	11.
25	"	23	B'k	Cavalier	316	Balt'o	1855	Balt'o	Balt'o	Balt'o	Hooper	Ferrell	U. S		Flour, 2,575	34,000 00	Brazil		"	2,009 "	"	
26	"	24	"	Florence	349	Newport	1840	Bath	Bath		Parten	Hume	England		Coal, 606 tons	7,000 00					In port.	
27	"	25	"	Fame	362	Montevideo	1854	Balt'o	Richmond		Currie	Kennedy	Ballast				Ballast					
28	"	27	Ship	Black Prince	1,060	Boston	1856	Newburyport	Boston	California	Bush	Brown	U. S		Sundries		Same cargo				March	1.
29	"	28	Bark	William	255	Lisbon	1849	P. of M	Fall River	St. Thomas	Howard	Heath	Portugal		Wine, &c	30,000 00	Ballast				"	21.
30	"		Ship	Gray Eagle	595	Norfolk	1851	Phil'a	Phil'a	Phil'a	Newhall	Hughes	U. S		Flour, 3,880	46,560 00	Brazil		"	6,000 "	"	10.
31	"		Bark	C. E. Fay	199	Phil'a	1852	Wilmington	"	"	G. Newhall	Hughes	"		" 2,500	30,000 00	"		"	3,500 "	"	"
32	March	2	"	Chevalie	543	New York	1850	Balt'o	N. York	Bahia	Kirkland	Anon	"		" and sundries	30,000 00	Ballast				"	26.
33	"	9	Ship	Rattler	794	New Orleans	1854	"	Balt'o		Chapman	Forrest	"		"	50,000 00					In port.	
34	"	12	Bark	J. C. Blume	333	Buenos Aires	1855	"	"	St. Thomas	Gazle	Gayle	Ballast				Ballast				March	17.
35	"		Brig	H. Guild	240	ditto	1853	Belfast	Belfast		Heath	Heath			Horses						In port.	
36	"		Bark	Leighton	217	New Orleans	1856	Balt'o	Balt'o	H. Roads	Buck	Hunter			Flour	45,000 00	Brazil		"	4,000 "	Mar.	29.
37	"	13	Brig	Foaming Sea	228	Rio Grand	1856	"	"	Balt'o	Hooper	Beans	Ballast								In port.	
38	"		Ship	Henry Reed	849	Calleo	1853	Hallowell	Hallowell		Dearborn	Dearborn	Peru		Guano						"	
39	"	14	Brig	Ably Elizabeth	194	Rio Grand	1854	Leppicon	N. Bedford		Clark	Thung	Ballast								"	
40	"		Ship	Carioca	460	Bahia	1851	Phil'a	Phil'a		Devereux	Hoffner	U. S		Lumber	12,000 00					"	
41	"	18	B'k	Blue Wing	498	Liverpool	1856	Balt'o	Balt'o		Chester	Burnton	England		Sundries	30,000 00					"	
42	"	19	"	Amanda	369	Sea	1856	N. York	N. York		Spier	Lindsay	Ballast				Ballast				"	
43	"	20	Brig	Fairy	165	Richmond	1845	Phil'a	Phil'a		Willets	Welsh	U. S		Flour, 2,900	34,800 00					"	
44	"		Bark	Japonica	245	Phil'a	1849	"	"		Welshford	Shelden	"			20,000 00					"	
45	"		"	Wheatland	498	Bahia	1856	Balt'o	Balt'o		Getterys	Despeaux	Ballast								"	
46	"	23	"	Roanoke	218	Pernambuco	1857	Phil'a	N. York		Kirkland	Sherry	ditto								"	
47	"	24	"	Eglantine	306	London	1852	Warren	Thomaston		Geason	Geason									"	
48	"	25	"	Moneka	462	"	1857	Boston	Boston		Winston	Hamilton	England		Sundries	40,000 00					"	
49	"	27	Sch'r	North Point	295	Richmond	1855	W'mburg	N. York		Johnson	Swain	U. S		Flour, 2,700	32,400 00					"	
50	"	28	Brig	Tarlulah	270	Jacksonville	1857	Balt'o	Balt'o		Pendergrass	Phuner	"		Lumber	10,000 00					"	
51	"	29	Bark	Horace	234	Charleston	1850		Charleston		Street	Caru	"		"	7,000 00					"	
52	"		Sch'r	Redwing	240	Balt'o	1857	Balt'o	Balt'o		Kirnan	Kirnan	"		Four, 1,612	19,340 00					"	
53	"	30	B'k	Dorchester	408	"	1856	"	"		Hooper	White	"		" 3,435	41,220 00					"	
54	"	31	Brig	Rolling Wave	236	Philadelphia	1858	I. of M	N. York		Stoza	Lloyd	"		Sundries	21,600 00					"	

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the paper hereunto annexed is a true copy of the original on file in this Department.

In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 21st day of July, A. D. 1858, and of independence of the United States of America the 83d.

[SEAL.]

(Signed) LEWIS CASS.

374, 375, 376, 377, 378 inc. *Arrivals and departures of American vessels at the U. S. Consulate, at Rio de Janeiro, from the 1st day of April to the 3d day of June, 1858.*

No.	Date, 1858.—Month, day.	VESSELS. Class.	Names.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	CARGOES. Inward. Where produced	Description.	Quantities.	Where manufactured.	Departure. Month, day.
55	April 4	Bark	Oceola	180	Whaling	1846	Searsport	New Bedford	Whaling	O. Whilcox	J. P. Carr	En				April 19
56	" "	Ship	Northern Crown	1,380	London	1852	Kenneburk	New York		E. D. Brigham	Hallet	England	Sundries		England	
57	" "	Bark	Creole	228	Bahia	1841	Baltimore	Balto	Achapman	Coffin	U. S		Cotton goods			April 13
58	" 6	Brig	Robt. C. Wright	202	Montevideo	1854	ditto	N. Orleans	Randel	Walter	U. S	Flour		499 bars		" "
59	" "	Brig	Wm. H. Bruun	228	New Orleans	1855	ditto	ditto	N. Orleans	Travers	Knight	U. S	Flour	1 876 "		" 12
60	" 7	Bark	Warren Hallett	284	Boston	1854	Boston	ditto	ditto	Daiwes	Hallet	U. S	Sundries			" 14
61	" 9	Ship	Courier	554	I. of May	1859	Newburyport	New York	ditto	Elliot	Bernsee	I. of May	Salt	1, 440 bushels		May 26
62	" 10	Ship	Snow Squall	742	N. Orleans	1851	C. Elizabeth	New York	ditto	Green	Lloyd	U. S				April 23
63	" 11	Sch'r	Josephine	212	New York	1845	New York	New York		Johnson	Smith	U. S	Sundries			
64	" 13	Bark	Antelope	244	Baltimore	1850	Baltimore	Baltimore	Baltimore	Hooper	McLeod	U. S	Flour	2, 000 bar		April 21
65	" "	Brig	Baltimore	237	Baltimore	1855	Baltimore	Baltimore	ditto	ditto	Nelson	U. S	ditto	2, 340 "		" 28
66	" 19	Bark	Maria	274	Rio Grande	1848	ditto	ditto	ditto	Conner	Johnson		Ballast			" 20
67	" 22	Bark	Corilla	496	Richmond	1856	New York	New York		Johnson	Pattengals	ditto	Flour	4, 882 "		
68	" 23	Sch'r	Meteor	222	Rio de la Plata	1857	Newark	Bridgeford	St. Thomas	Sturges	Burny		Ballast			April 24
69	" 30	Bark	Kedron	402	Baltimore	1856	Baltimore	Baltimore	New York	Corner	Fenell	ditto	Sundries			April
70	" 30	Ship	Esther	595	Richmond	1857	Philadelphia	Phila	Phila	Newhall	Villeby	ditto	Flour	5, 480 bar		May 8
71	May 1	Bark	Fred. Lenning	346	New Orleans	1855	New Jersey	ditto	New Orleans	Herm	Sumner	ditto	Flour	3, 448 "		" 14
72	" 3	Brig	Applegarth	203	Baltimore	1857	Dorchester	Baltimore	Balto	Applegarth	Linden	ditto	ditto and su	950 "		May 24
73	" 6	Ship	Raduga	586	Boston		Newbury	Boston	California	Bower	Burdett	ditto	Sundries			" 21
74	" 7	Bark	Gallego	372	Guyaquil	1847	Marg	ditto		Washburn	Washburn	Penn	Guano			
75	" 11	Brig	Sea Foam	188	New York	1852	Balto	New York	New York	Leffkin	Brice	U. S	Flour and su	857 bar		May 19
76	" 12	Bark	Weather Gauge	373	New Orleans	1852	Sag Harbor	ditto	Santoa	Moke	Mokie	U. S	Flour and su	2, 390 "		May 20
77	" 12	Bark	Ellen Morrison	213	New York	1850	Baltimore	New York		Makee	Hughes	U. S	Sundries			
78	" 12	Bark	Bawainissie	299	Pensacola	1852	Orland	Orland		Sherman	Carr	U. S	Lumber	179, 500 feet		
79	" 12	Brig	Monticello	269	Balto	1856	Balto	Balto	Balto	Spence	Hopkins	U. S	Flour and su	1, 250 bar		
80	" 13	Brig	Mount Vernon	271	Baltimore	1857	ditto	ditto	ditto	Spence	Hall	U. S	ditto	1, 250 "		May 28
81	" "	Bark	Sophia	347	ditto	1855	ditto	ditto	ditto	Jones	Jones	U. S	ditto	1, 250 "		" "
82	" 15	Ship	Napoleon	649	Boston	1857	Medford	Boston		Lamb	Cushing	U. S	Sundries			
83	" 16	"	Timor	670	Newport	1855	Swansey	Boston		Hadwin	Bigby	England	Coals	148 tons		
84	" 18	Bark	Gambia	236	Charleston	1854	Me	Charleston		Kean	Kean	U. S	Lumber	130, 807 feet		
85	" "	"	Minnesota	346	Philad'a	1849	Phil'a	Phila	Phila	Devereux	Veacock	U. S	Flour and su	1, 500 bls		June 8
86	" 20	"	Winefred	247	Richmond	1857	Balto	Richmond	H. Roads	Currie	Munson	U. S	"	30, 358 ct		May 29
87	" 21	"	Fidal Wave	361	Darien	1854	Essex	Boston		Hardy	White	U. S	Lumber	173, 992 ft		
88	" "	"	Roebuck	455	Richmond	1854	N. York	N. York		Cushman	Chase	U. S	Flour	4, 000 bls		
89	" "	"	Margaret	249	New Orleans	1850	Phil'a	Phila		Lagueren	Wood	U. S	"	2, 032 bls. & su		
90	" 23	"	Indus	404	Baltimore	1849	Balto	Balto		Kirkland	Thompson	U. S	" and sund			
91	" "	Ship	Banshee	489	ditto	1850	ditto	ditto		Jenkin	ditto	U. S	Flour and sun			
92	" "	Bark	Panama	414	Richmond	1850	Me	N. York		Green	Graves	U. S	Flour and sun			
93	" 24	"	Phantom	302	Philadelp'a	1852	Balto	Phila		Wilsford	Quig	U. S	Flour and sun			
94	" 26	"	Starlight	298	Pensacola	1854	Mang	Boston		Howland	Bearse	U. S	Lumber			
95	" 27	"	Onward	303	Mobile	1855	Chelsea	ditto		Pearson	Emery	U. S	Lumber	180, 611 feet		
96	" 30	"	Lamartine	386	Charleston	1848	Mathews	N. York		Goodyear	Anderson	U. S	Sundries			
97	June 3	"	M. Williamson	429	St. Michell	1854	Delaware	ditto		Scharff	Scharfenets					
98	" 7	"	Eastern Star	317	London	1852	Me	Boston		Cumings	Vourhes	England	Sundries			
99	" 11	Ketch	Commerce	174	Phil'a	1848	Charleston	Phila		J. Mason	Hathaway	U. S	ditto			
100	" "	Bark	Palmetto	341	Sheilds	1849	Me	Boston		Barnard	Bachus	England	Coals	392 tons		
101	" 13	"	Henrietta	437	Balto	1856	Balto	Balto		Whitridge	Ellis	U. S	Flour	2, 796 & sun		
102	" "	"	Imperador	378	Richmond	1857	do	New York				U. S	"	3, 424 & sun		
103	" 15	"	Sally McGee	279	do	1857	do	Richmond	Richmond	Currie	Clements	U. S	"	2, 195 & sun		
104	" "	"	Conrad	347	Pernambuco	1850	Philadelphia	Philad'a		New Hall	Salsbury					
105	" 17	Ship	Sunny South	702	New York	1854	New York	New York		Make	Stephenson					
106	" "	Brig	Wm. Wilson	230	Pernambuco	1855	Balto	Phila		Welsford	Farrell					
107	" 20	Bark	Justina	248	Balto	1857	do	Balt		Bandel	Focke					
108	" "	Bark	Ann E. Grant	356	Bahia	1856	Balto	Richmond		Currie	Nelson					
109	" 20	Ship	Susan Howland	1,137	Callao	1856	Boston	Boston		Brown	Adams					
110	" 22	Bark	Mondamin	390	Balto			Balto		Whitridge	Burgess					
111	" "	Ship	Grey Eagle	595	Phil'a	1851	Phila	Phila		Newhall	Hughes					
112	" "	Bark	Lapwing	504	Balto	1853	Balto	Balto		Jenkins	Kelly					
113	" 24	"	Virginian	309	Richmond	1849	Balto	Richmond		Currie	Miller					
114	" "	Brig	Hurricane Bird	259	Baltimore	1856	do	Balto		Pendergrast	Dubel					
115	" "	Bark	Hannibal	406	New Orleans	1854	Wms'burg	Suffolk		Whitehall	Kline					
116	" 25	"	Singarella	322	Richmond	1856	Woods	New York		Gaillard	Banker					
117	" "	"	Elf	328	ditto	1856	Richmond	ditto		Siffkins	Percival					
118	" "	"	Brazileira	540	ditto	1856	Balto	New York		Kirkland	Baxter					
119	" "	Ship	Ellerslie	407	ditto	1859	Balto	Phila		Harrison	Coutts					
120	" "	Bark	Octavia	324	ditto	1857	Balto	Phila		Currie	Bowman					
121	" "	"	Revolution	457	New Orleans	1856	Va	Boston		Cochran	Webb					
122	" 26	"	Fame	362	Richmond	1854	Balto	Richmond		Currie	Kennedy					
123	" 27	"	J. W. Friend	399	Pensacola	1857	Bluehill	B. Hill		Friend	Friend					
124	" "	Brig	Helen	193	Pernambuco	1846	Balto	Balto		Whitridge	Brown					
125	" 30	Bark	Reindeer	426	do	1859	ditto	Philad'a		Newhall	Simmonds					
126	" "	Brig	Mary McRae	241	Wilmington	1852	Belfast	Wilmington		H. D. McKae	Crocker					

CONSUL RETURNS AT RIO, 2d quarter of 1858.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

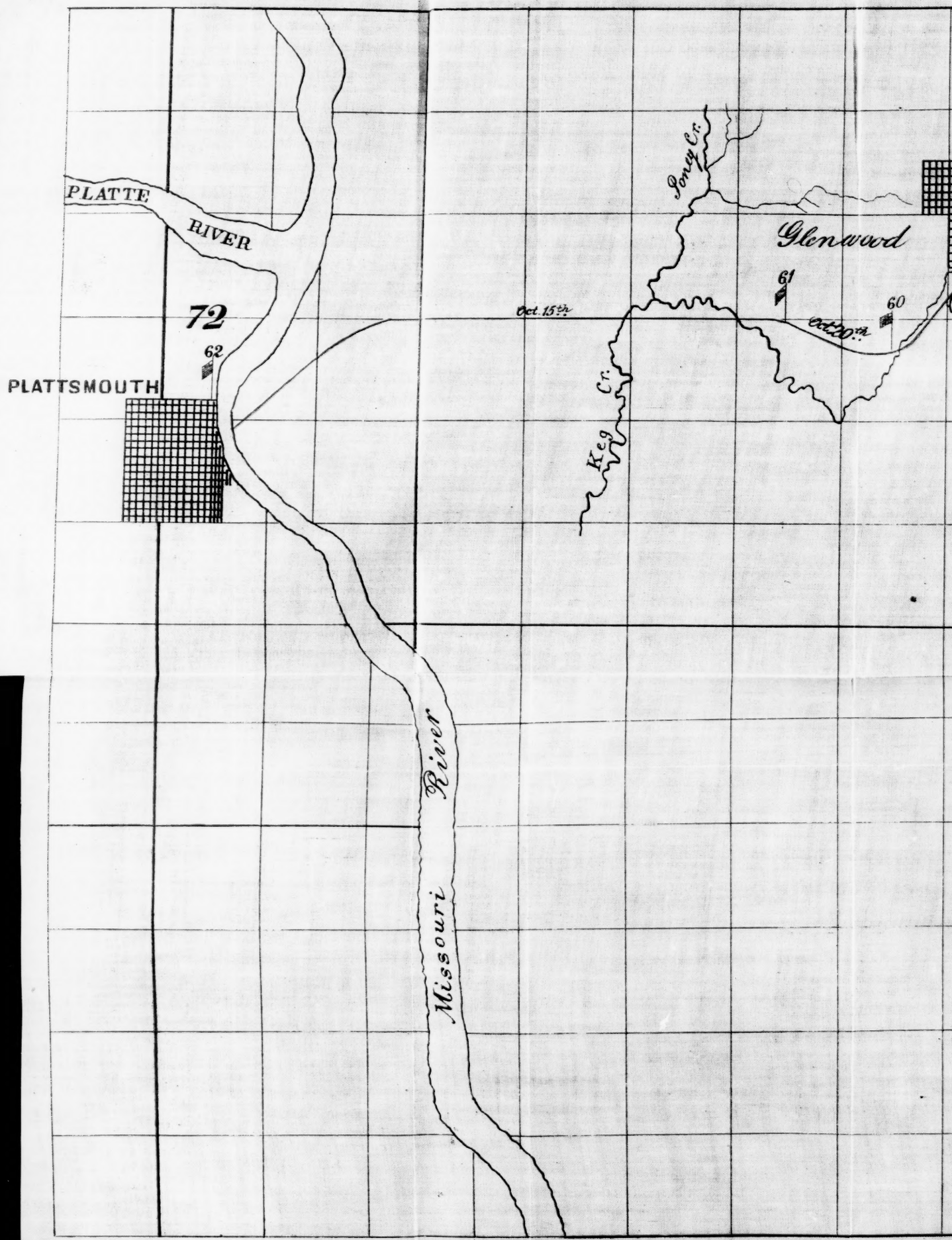
To all persons to whom these presents shall come, greeting:

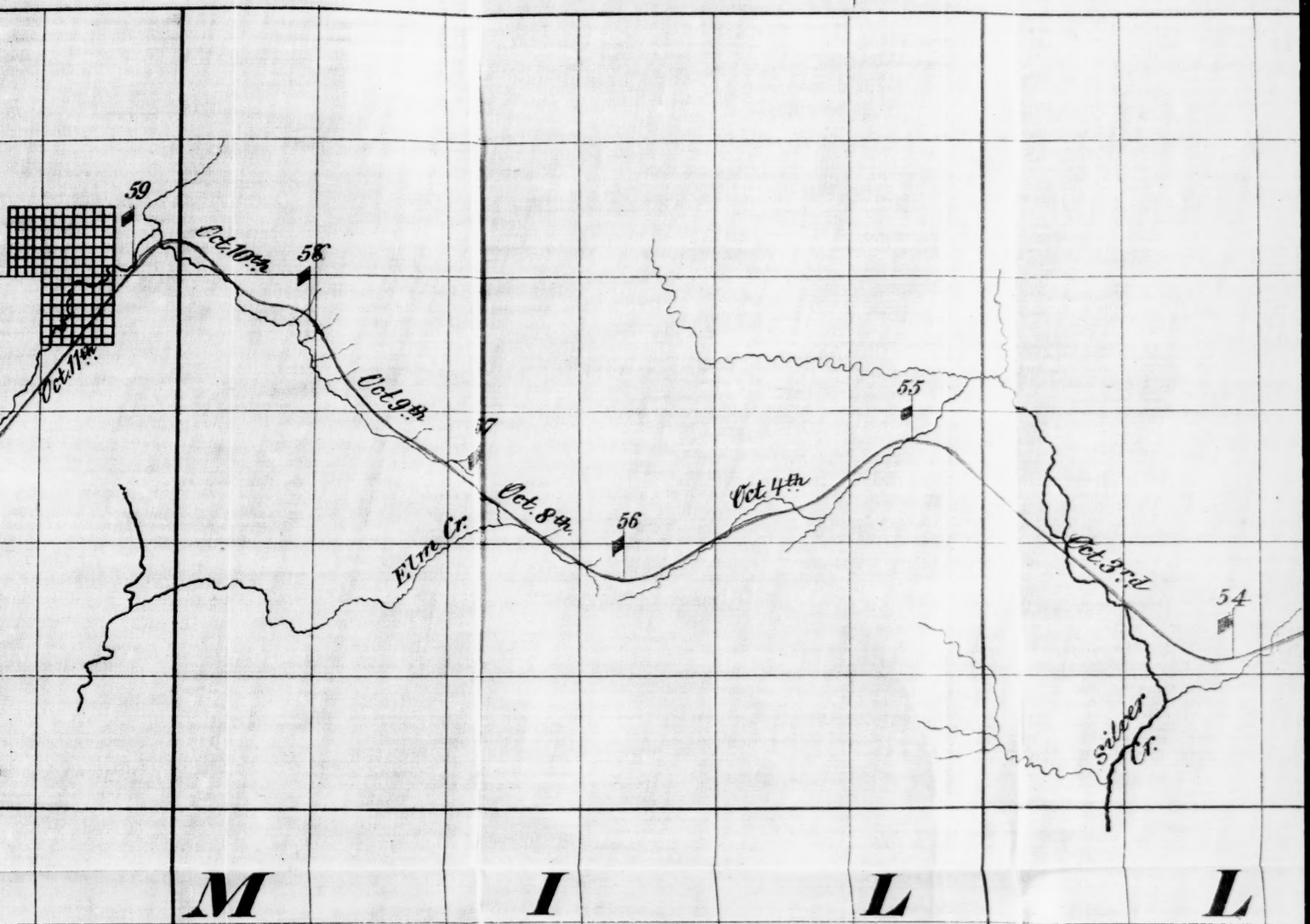
I certify that the paper hereunto annexed is a true copy of the original on file in this department.

In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 23rd day of July, A. D. 1858, and of the independence of the United States of America the 83d.

[SEAL.] (Signed) LEWIS CASS.


PLATTE
RIVER
72
62
PLATTSMOUTH
Pony Cr.
Glenwood
61
60
Oct. 15th
Oct. 20th
Keg Cr.
Missouri River


59
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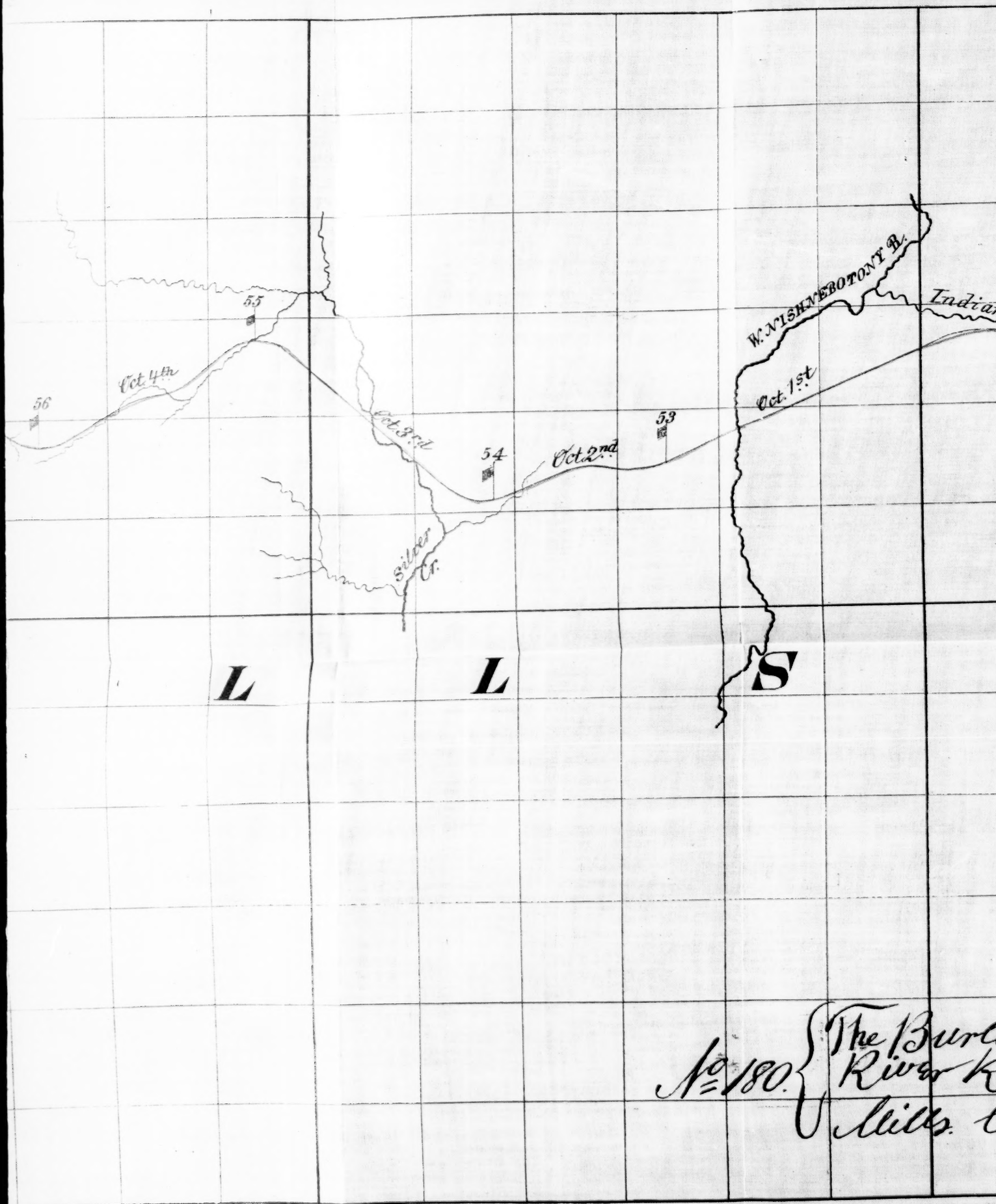
Oct. 11th.
Oct. 10th.
Oct. 9th.
Oct. 8th.
Oct. 4th.
Oct. 3rd.
Elm Cr.
Silver Cr.

M I L L



No 180. The Burc
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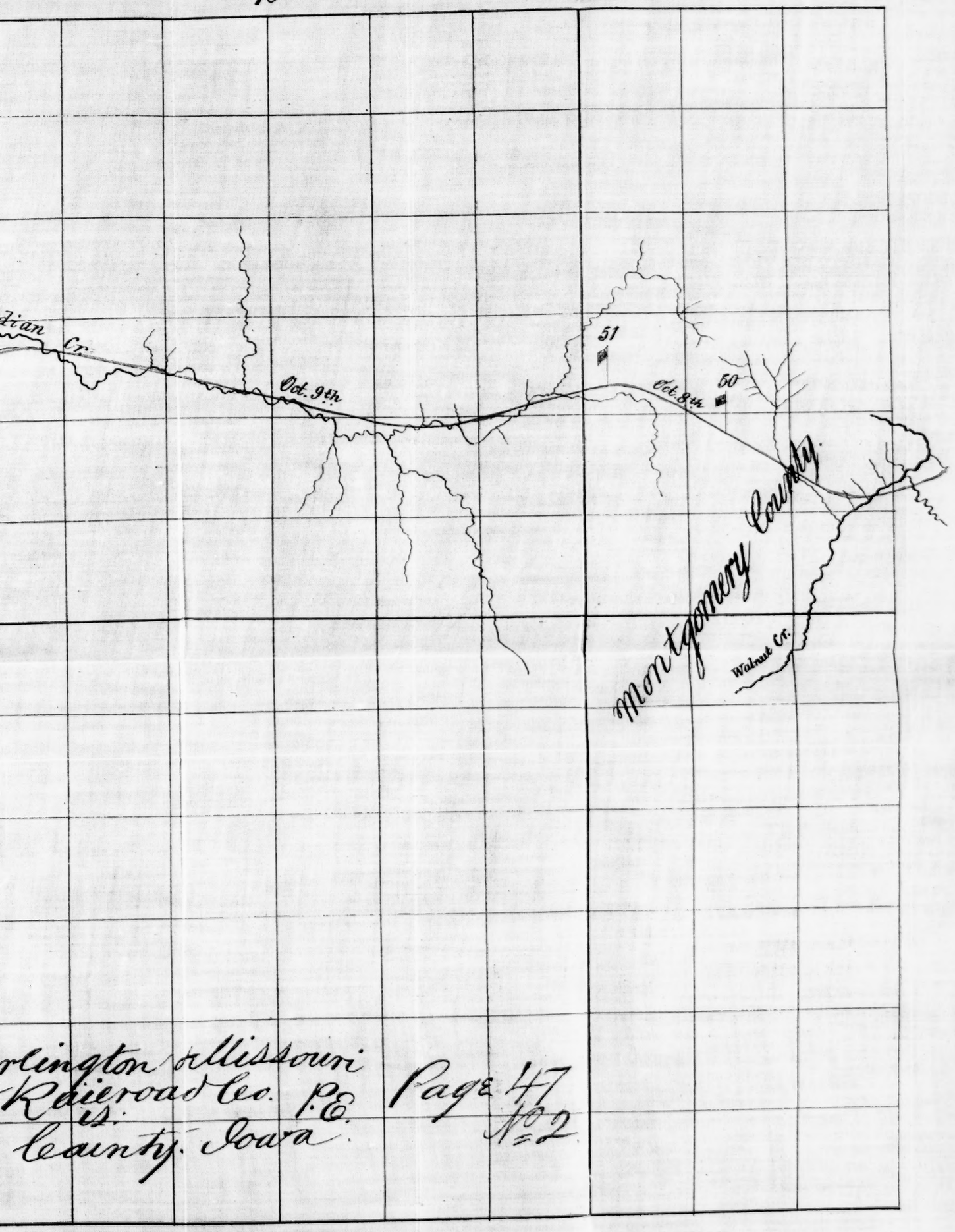
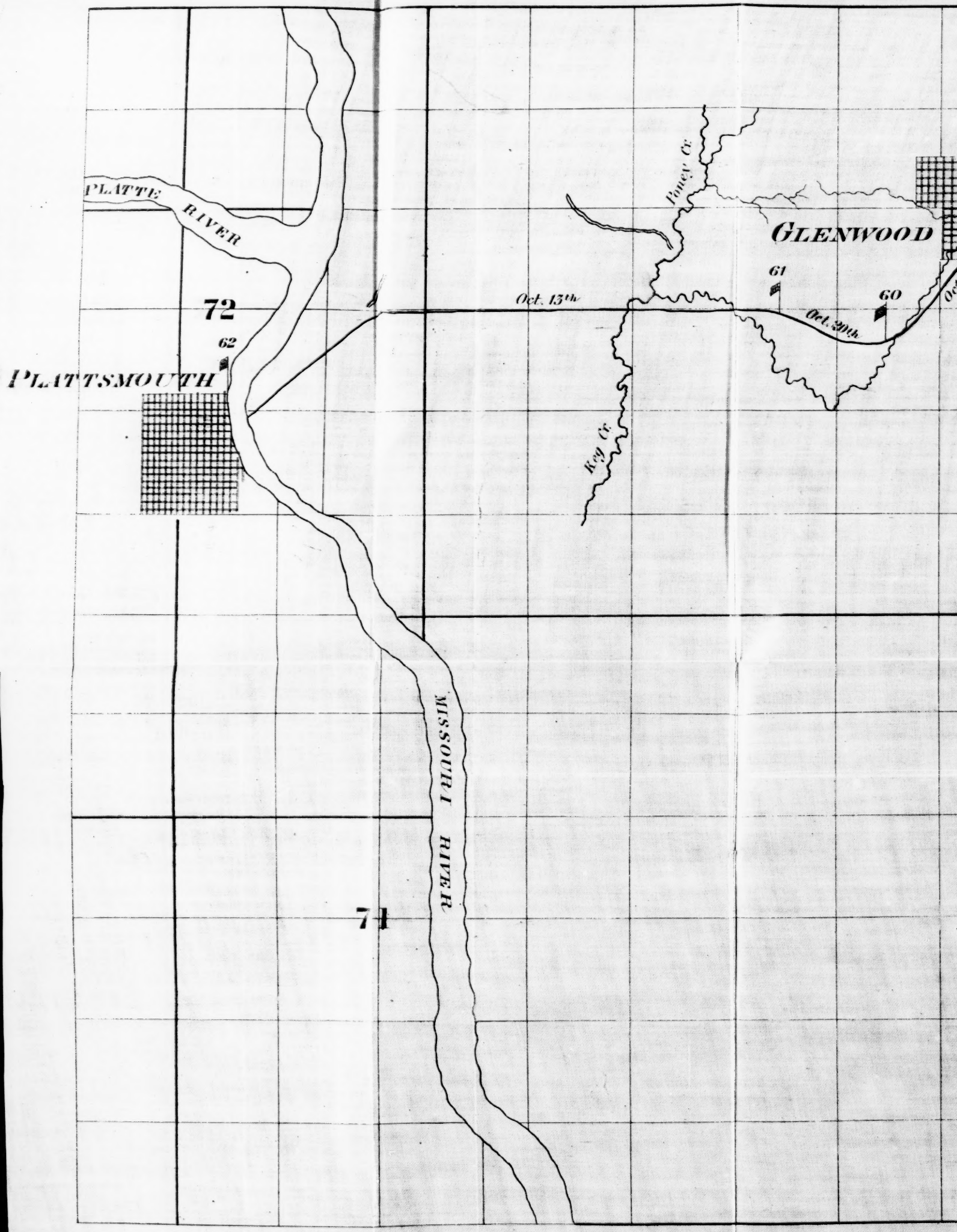


rlington & Missouri
Railroad Co. P.E.
is.
County. Iowa.

Page 47
No 2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GLENWOOD
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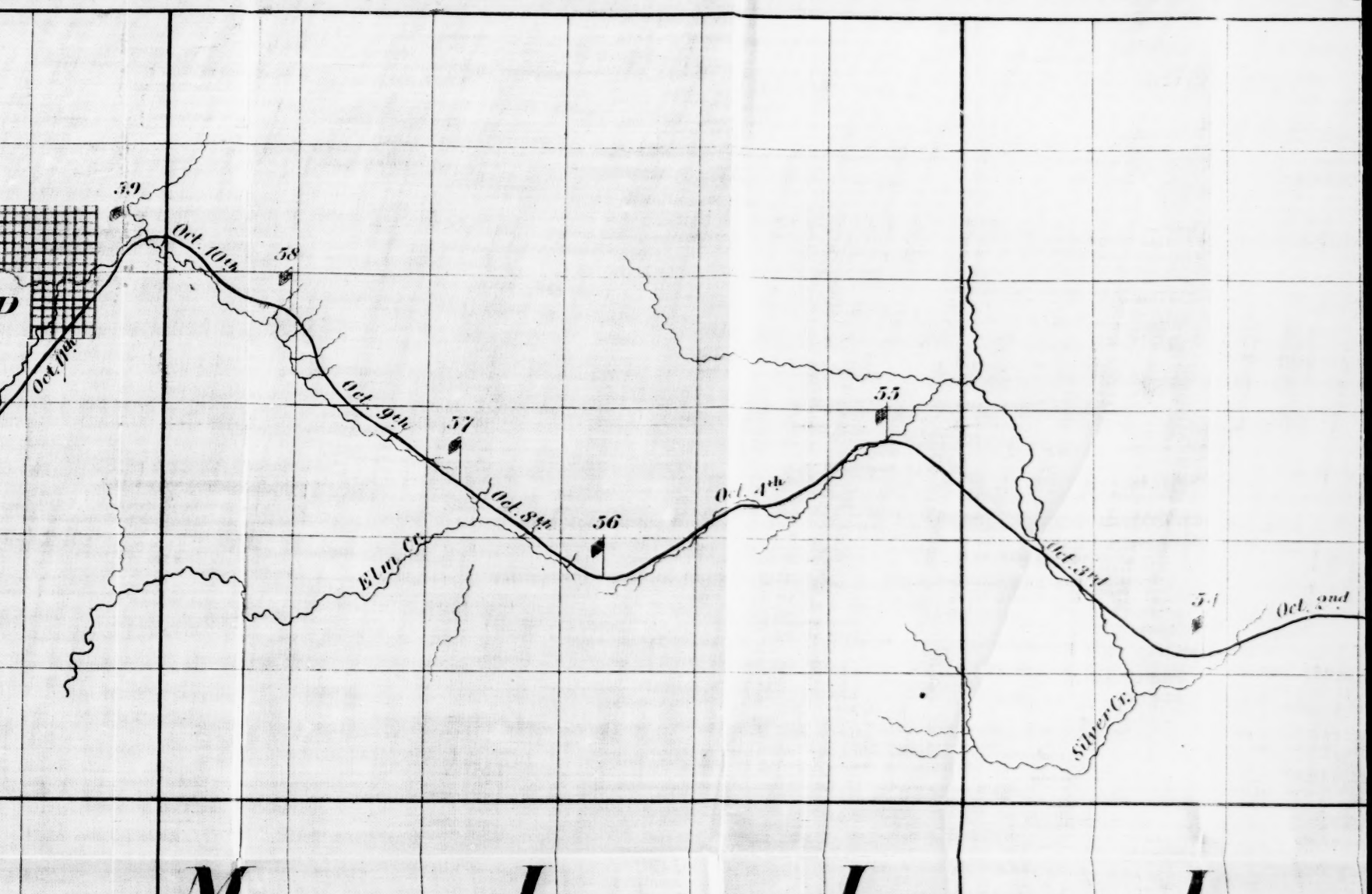
Oct. 20th
Keg Cr.
MISSOURI RIVER
71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Oct. 2nd
Elm Cr.
Silver Cr.

MILL

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W. Nishnebatonay R.

Indian Cr.

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Oct. 3rd

Oct. 2nd

Oct. 1st

Oct. 9th

Silver Cr.

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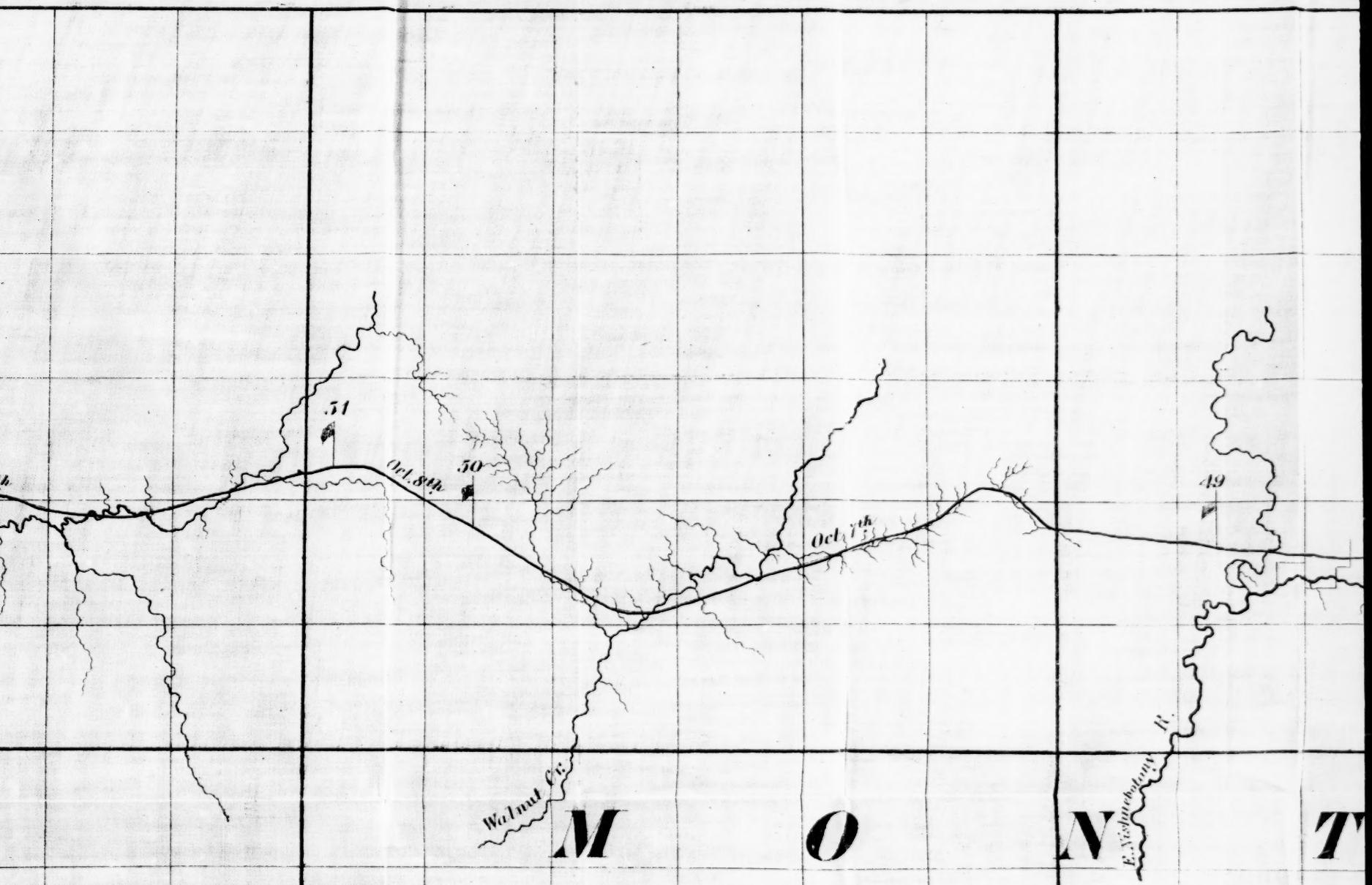
51
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49
Oct. 8th
Oct. 7th
Walnut Cr.
M O N T

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FRANKFORD

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M. Turkeie Cr.

Oct. 3rd

T G O M E

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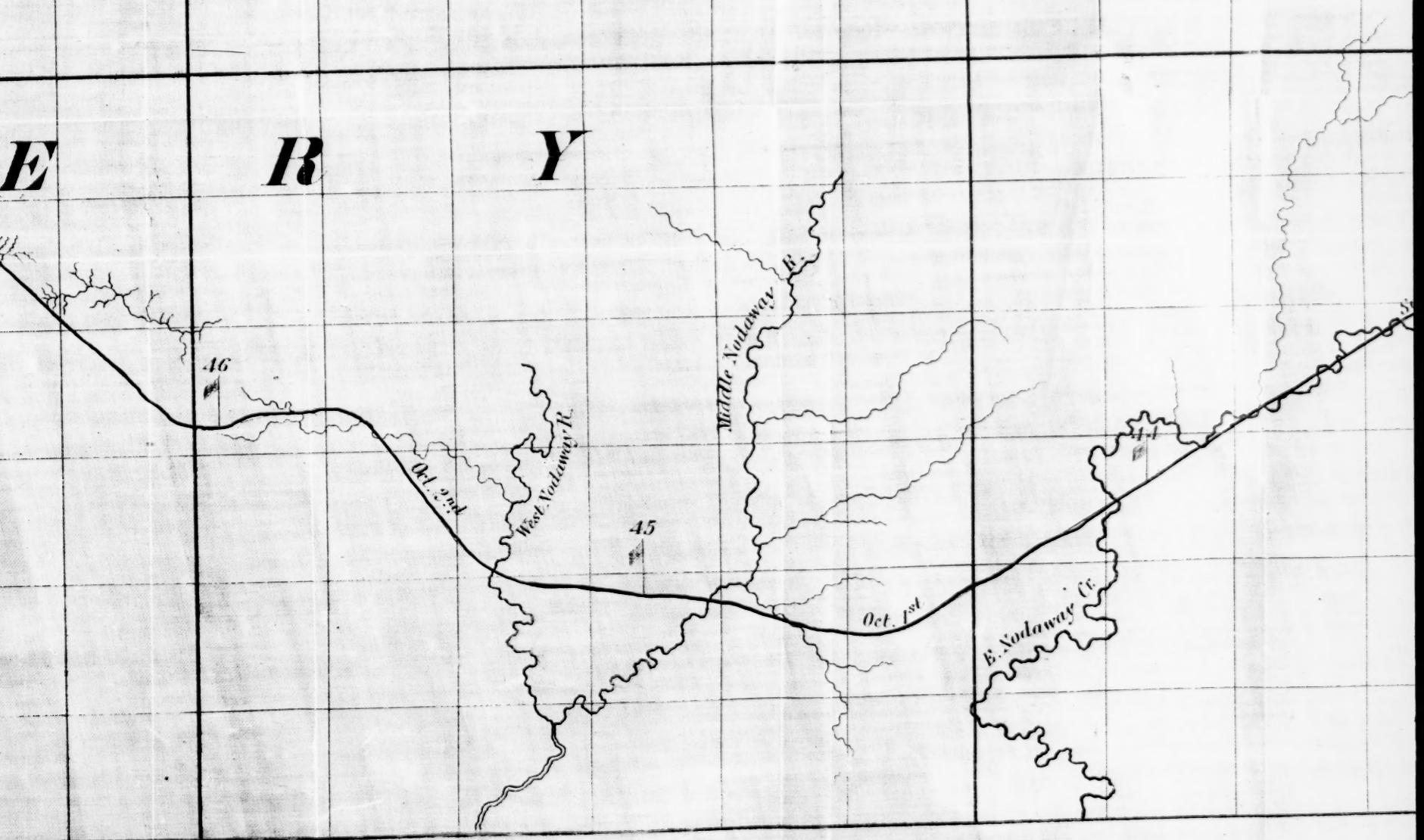
46
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Oct. 2nd
West Nodaway R.
Middle Nodaway R.
Oct. 1st
E. Nodaway Cr.

QUINCY

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Sep. 29th

Sep. 30th

44

Oct. 1st

E. Nodaway Cr.

East Nodaway (
Sep 26th

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Sep 27th

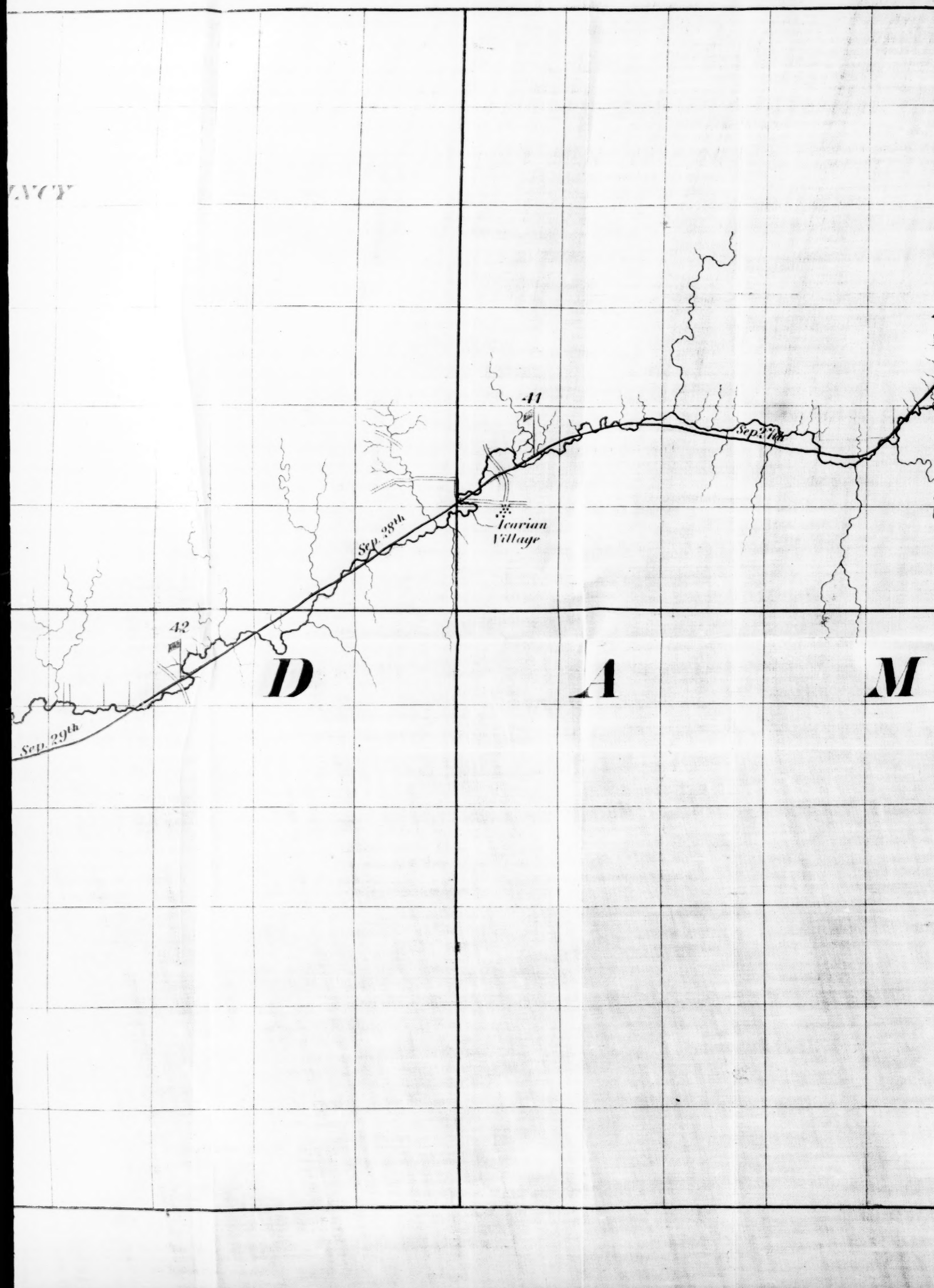
Icarian Village

Sep 29th

42

D A M S

No 180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Icarian Village
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Sept 29th
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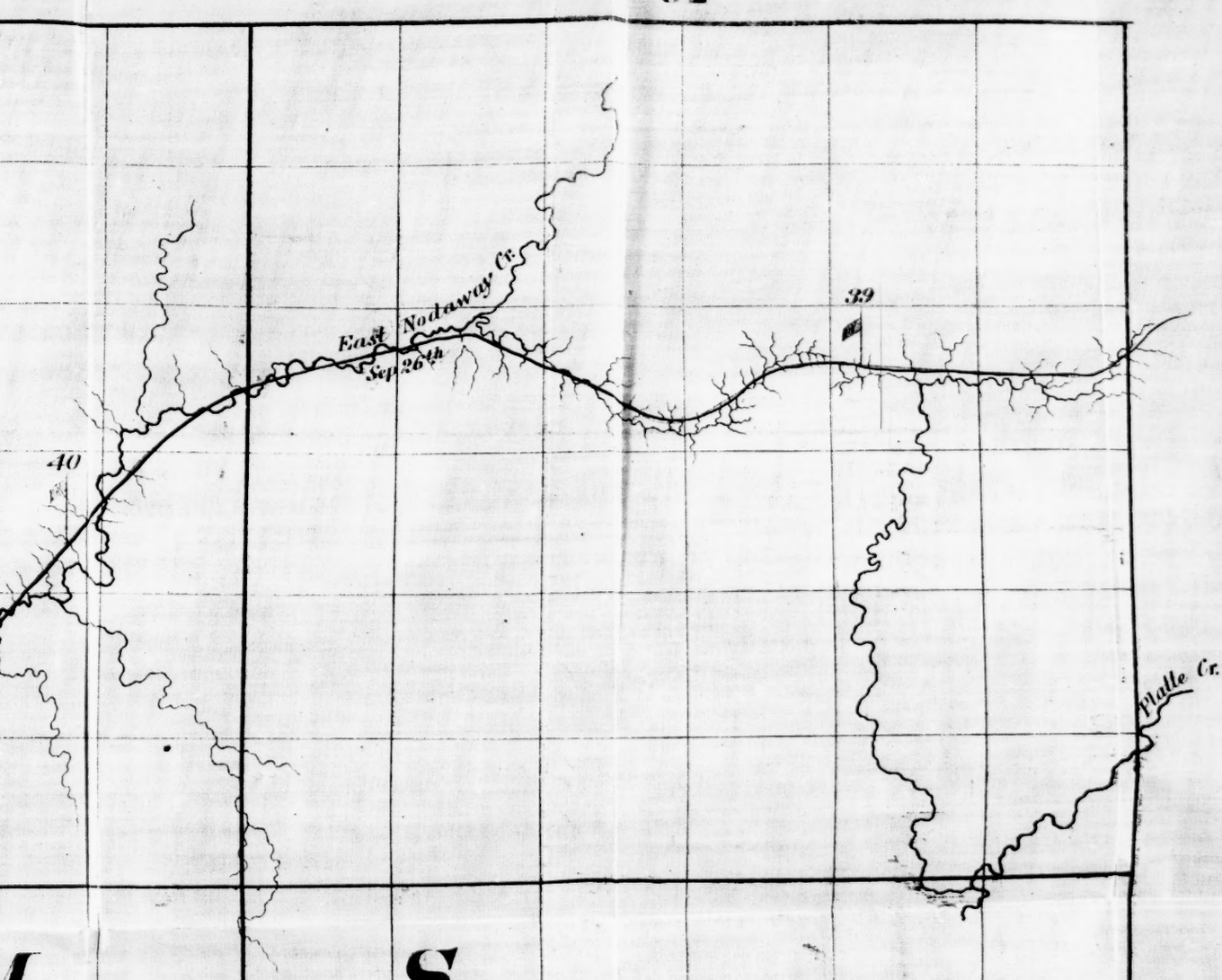
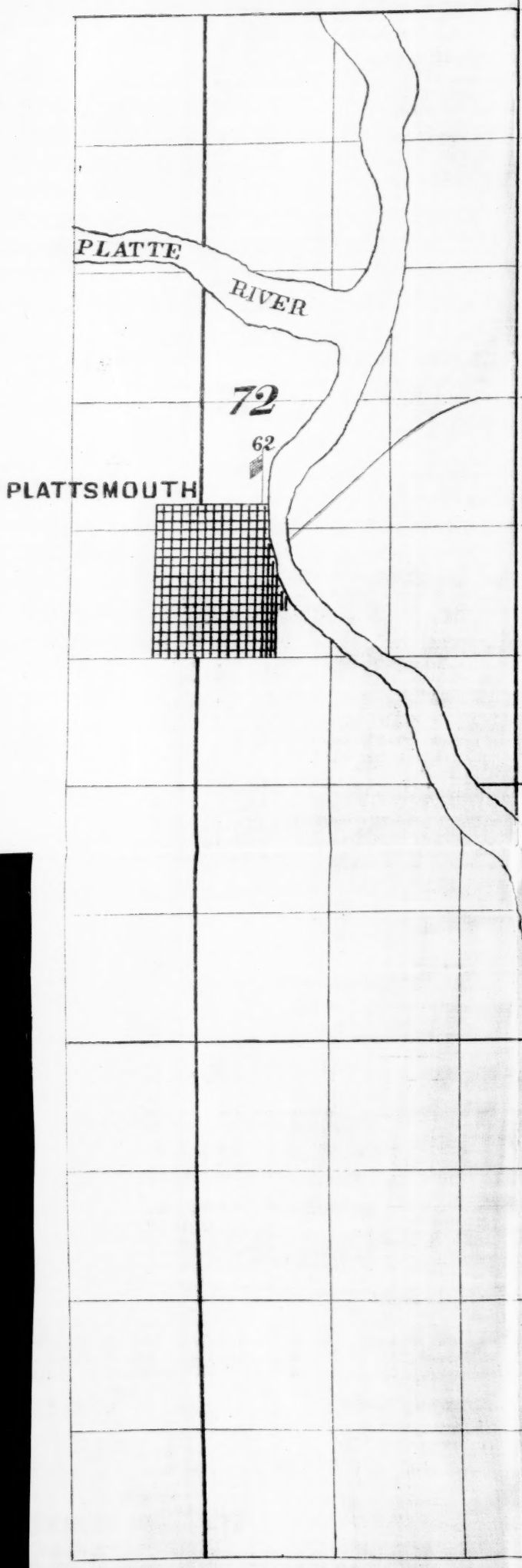


M S

No 180 The Burlington & Missouri River Railroad Co
Mills County Iowa
P E

Page 47
No 1


PLATTE
RIVER
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PLATTSMOUTH
Pony Cr.
Glenwood
61
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59
Oct. 15th
Oct. 20th
Oct. 11th
Keg Cr.
Missouri River

42

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Oct. 10th.

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Oct 9th.

57

Oct. 8th.

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Elm Cr.

Oct. 4th.

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Oct. 3rd.

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Oct. 2nd.

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Silver Cr.

M I L L

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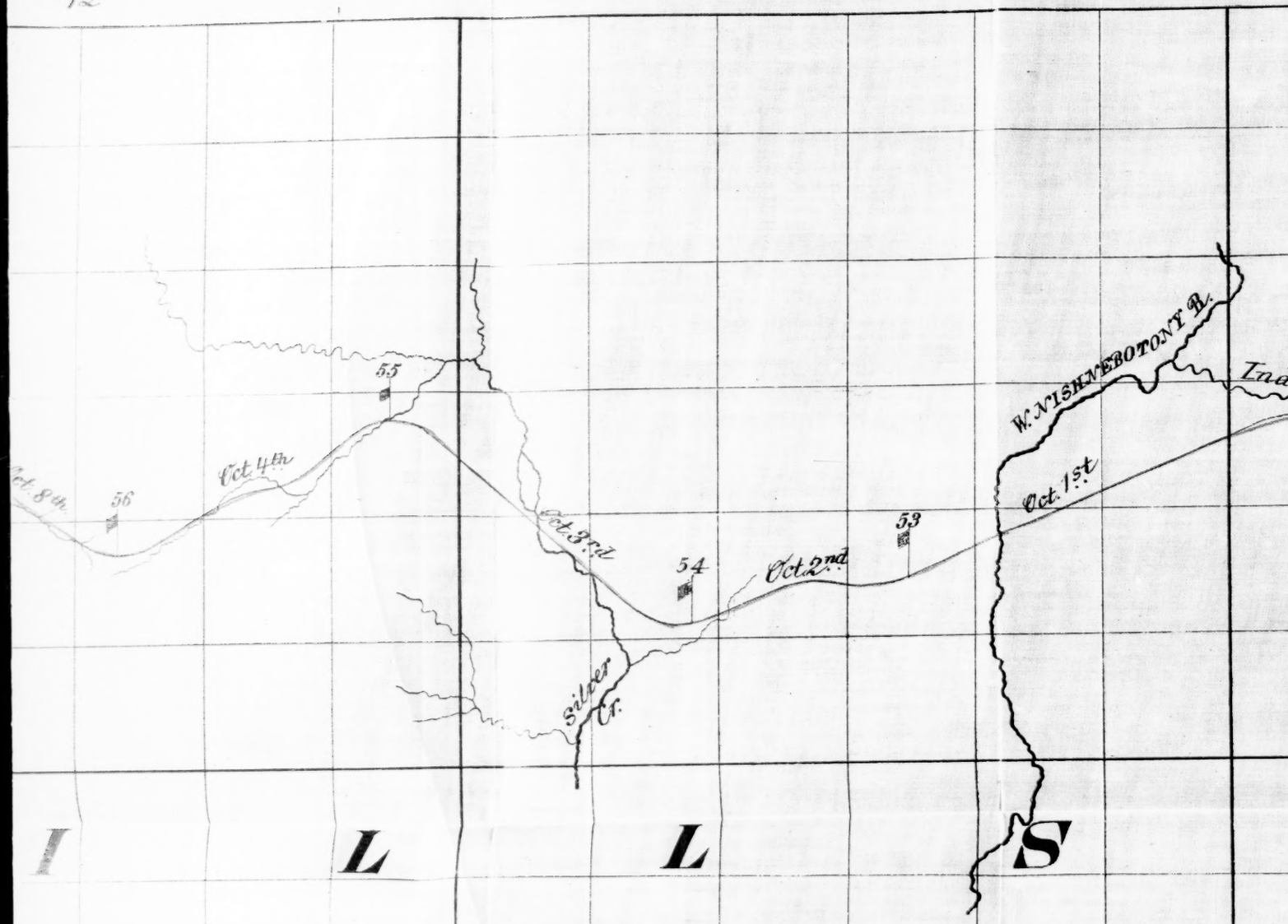

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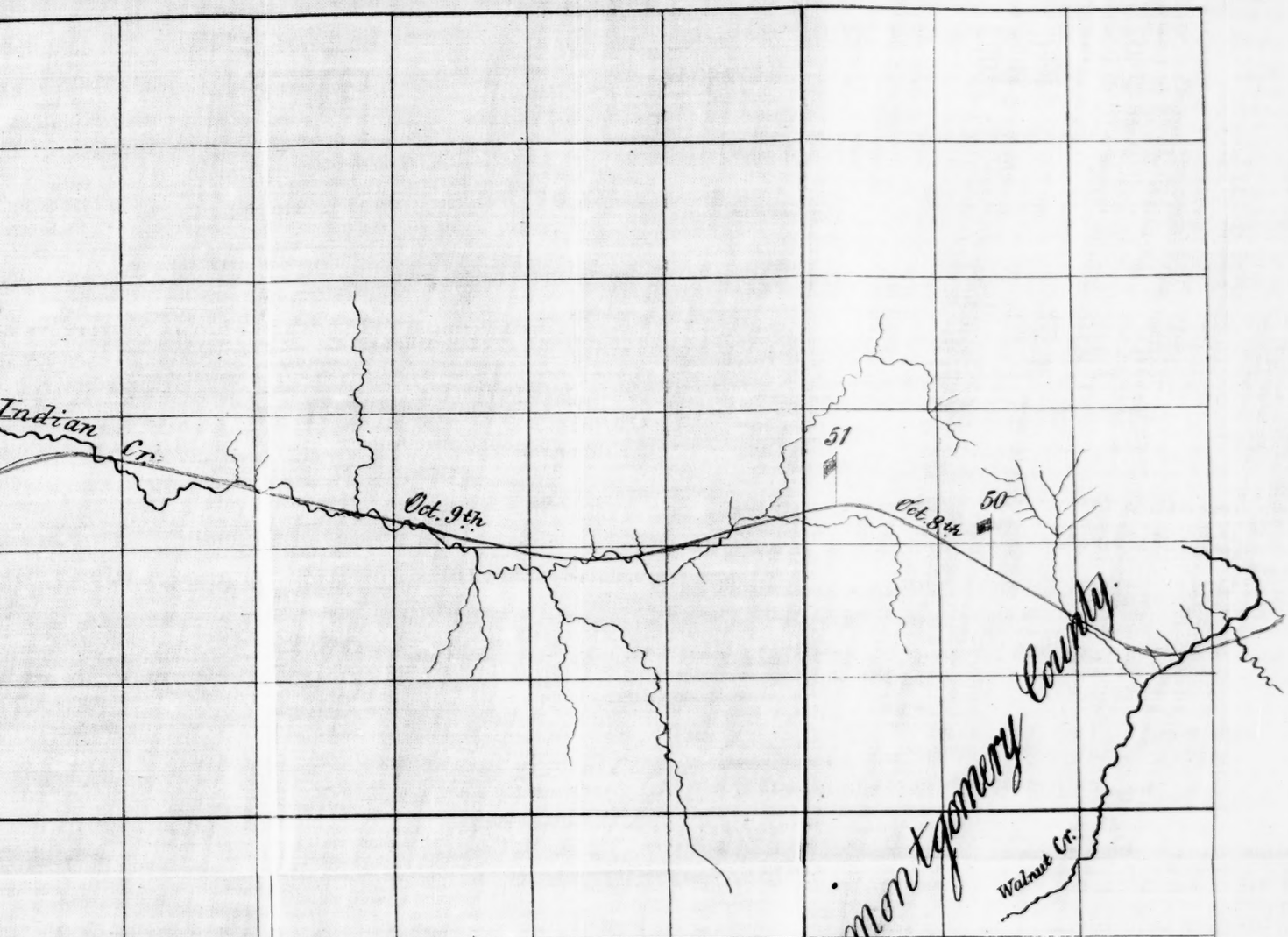
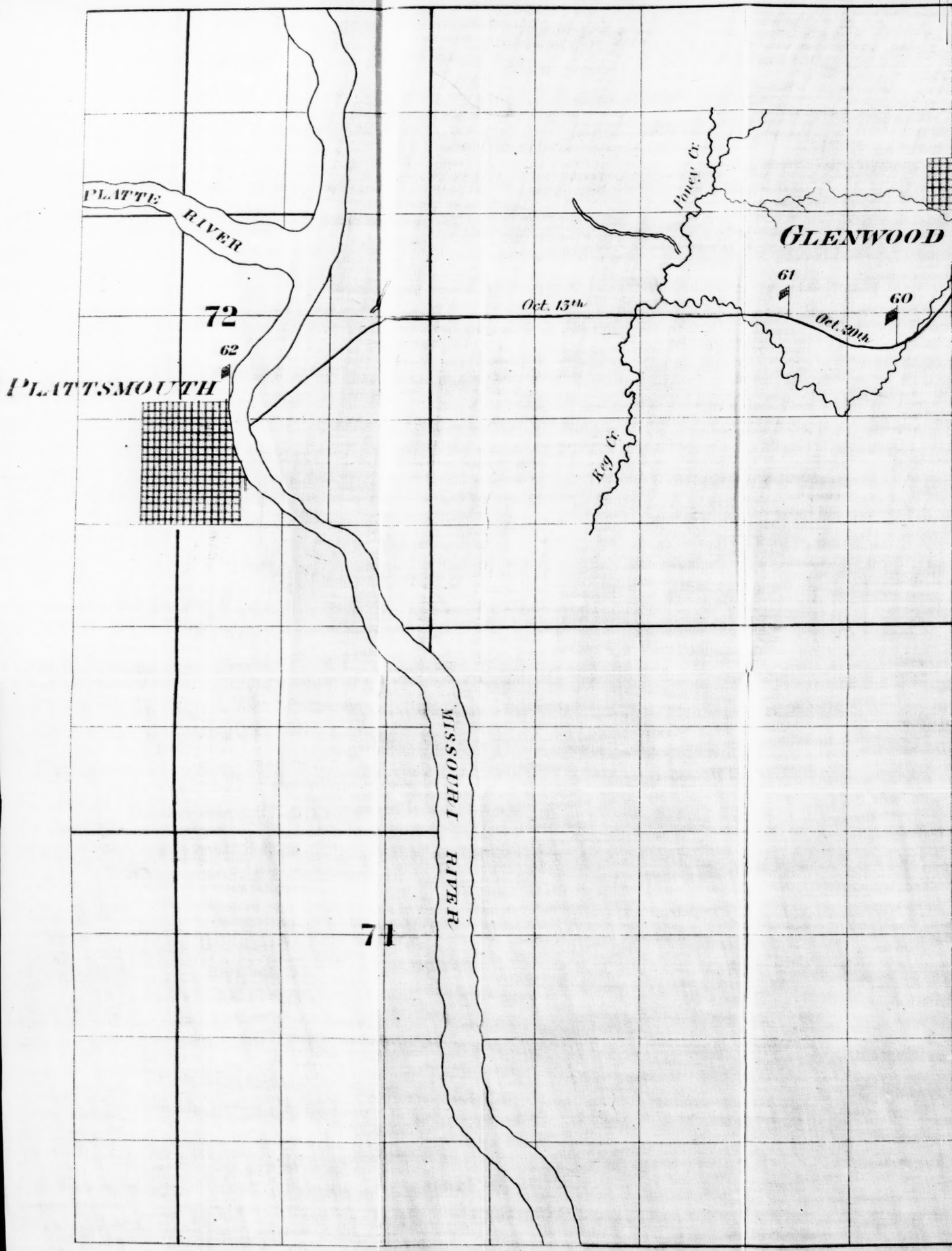
No. 180. The Bur... River ... Mills.



urlington & Missouri
Railroad Co. P.E.
is.
s. County, Iowa.

Page 47
No 2


PLATTE RIVER
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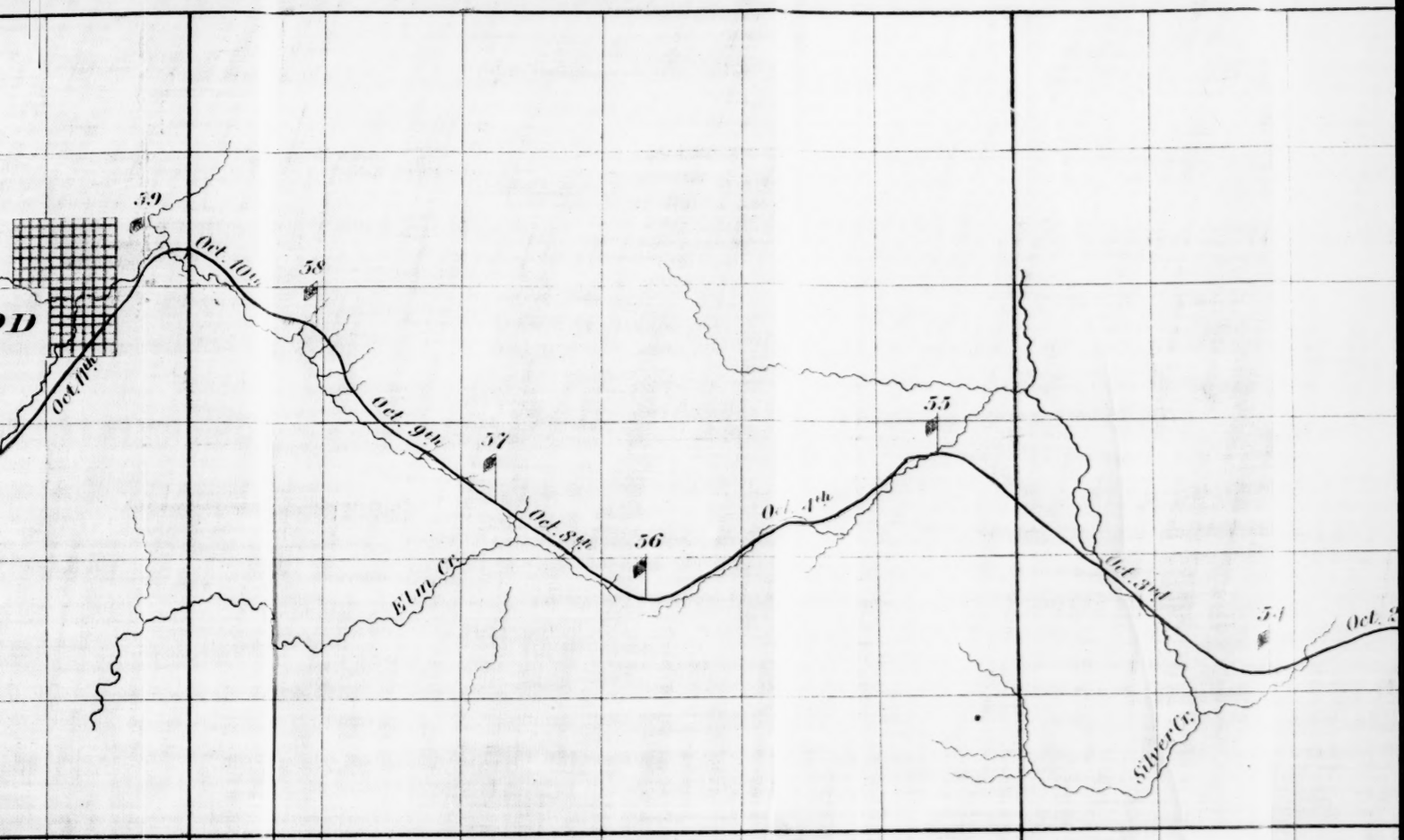
62
PLATTSMOUTH
Reg Cr.
MISSOURI RIVER
71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Silver Cr.

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Oct. 6th

Walnut Cr.

E. Nishnebotona R.

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FRANKFORD

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T G O M E

M. Turkey Cr.

Oct. 30

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Middle Nodaway R.

West Nodaway R.

Oct. 2nd

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E. Nodaway Cr.

44

Sept. 30th

QUINCY

41

Icarian Village

Sep. 29th

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A D A

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Sep. 29th

Sep. 30th

35

32

East Nodaway Cr.

Sep. 26th

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Sep. 27th

Platte Cr.

M

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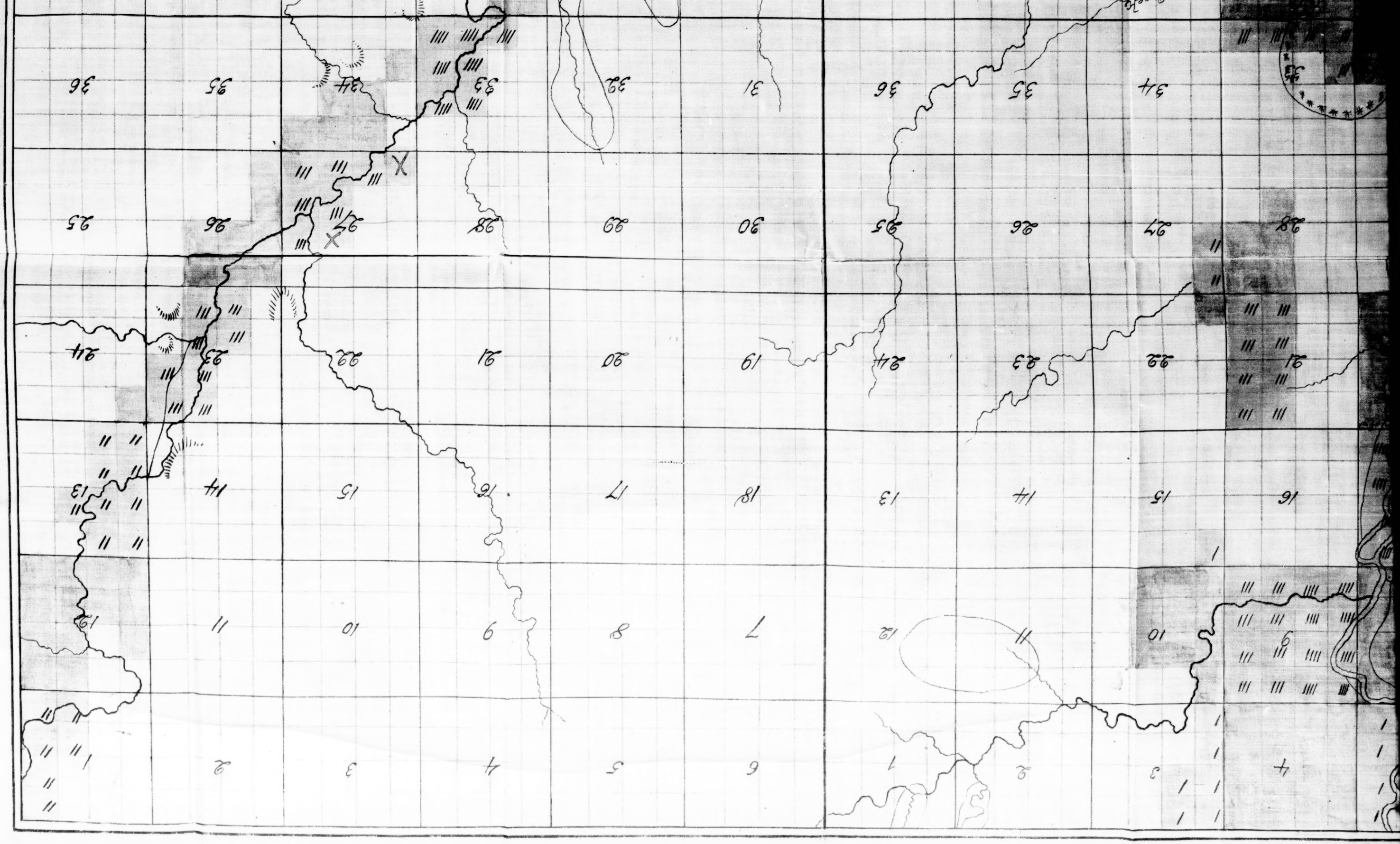
No 180 The Burlington & Missouri River Railroad Co P.E. Mills County Iowa

Page 47 No 1



4

Honey Creek

Walnut Creek

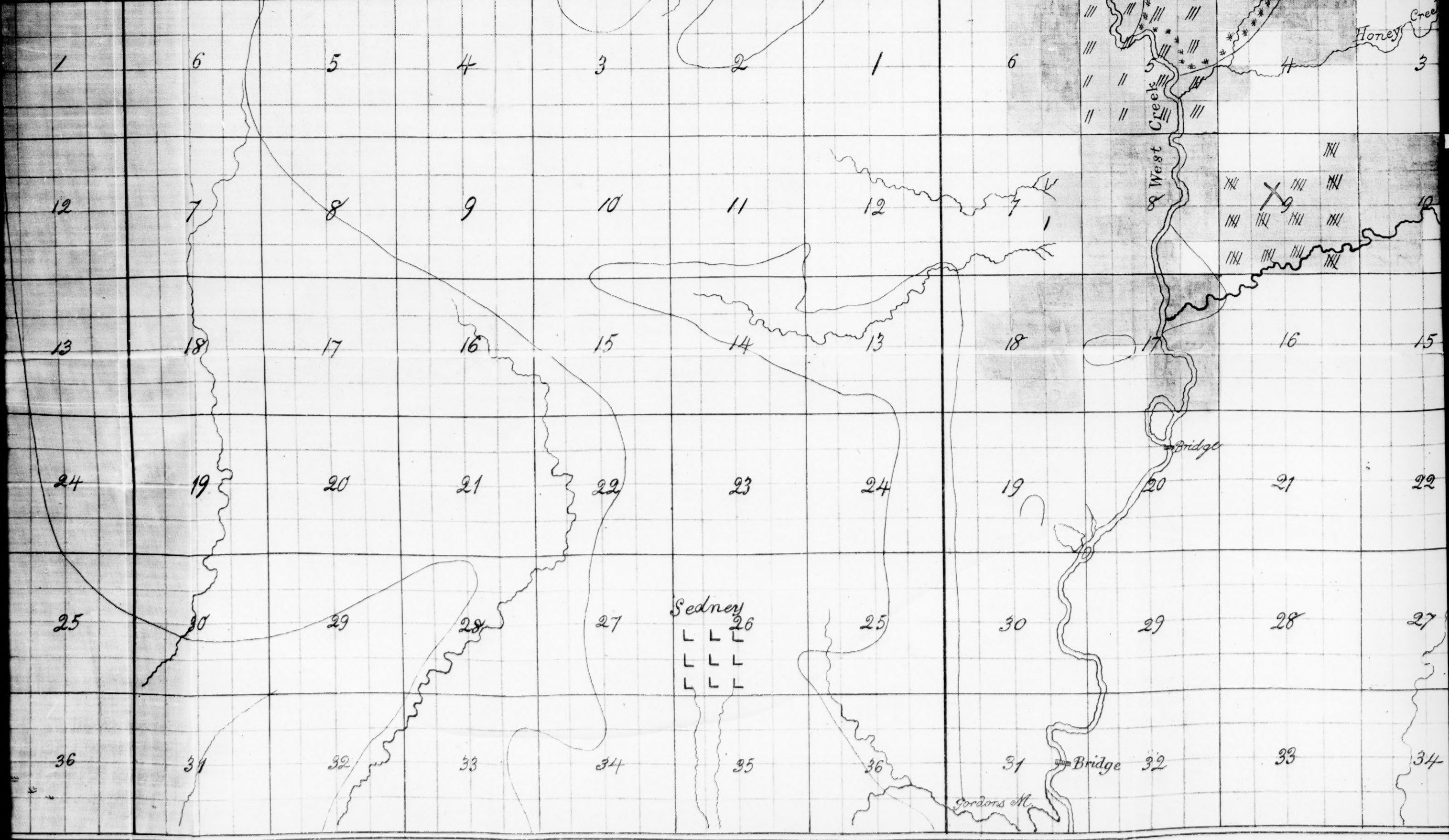
Coal Mahoning

Clarion 36

Tabor

Lake

Creek


Honey Creek
West
Creek
Bridge
Sedney
Bridge
Gordons Mt.

No 181 { Burlington & Missouri River R.R. Co. vs. Fremont County Iowa

Page 1

Map of North half of Fremont County. To be used on the trial of the case of said County vs. B. & M.R.R.R.Co as a matter of reference.

The tracts colored red are the lands in controversy

Missouri River

Wabansa Cr.

Swamp

Wabansa Lake

Plum Cr.

Those Colored Blue are Patented to the State as Swamp Land.

Those Colored Red with a Blue cross on them, thus (X) are not in Controversy. They were Colored by Mistake

The black marks on the tracts Colored red denote the number of witnesses who testify to the Swampy Character of the tracts.

(J. 11 69)

6 4 5	X 5	4	3	2	1
1 2 3 4	8	9	10	11	12
1 2 3 4	17	16	15	14	13
4 3 2 1	24	19	20	21	22	23	24
23 1 1 2 3 4	25	30	29	28	27	26	25
1 2 3 4	35	36	31	32	33	34	35	36

The tracts colored Red are the lands in Controversy

Those colored Blue are Patented to the State as Swamp Land.

Those Colored Red with a Blue cross on them, thus (X) are not in Controversy. They were colored by mistake

The black marks on the tracts colored red denote the number of witnesses who testify to the Swampy Character of the tracts.

(Jy 11 69)

No 181 { Burlington & Missouri River R.R. Co. vs. Fremont County Iowa

Page 1

Sy 70

Map of North half of Fremont County. To be used on the trial of the case of said County vs. B. & M.R.R.R. Co as a matter of reference.

The tracts colored red are the lands in controversy

Missouri River

Wabansa Cr.

Swamp

Wabansa Lake

Plum Cr.

Lake

Honey Creek

West Creek

Bridge

Sedney

Bridge

Jordans M.

Tabor

Lake

Walnut Creek

East Nohena

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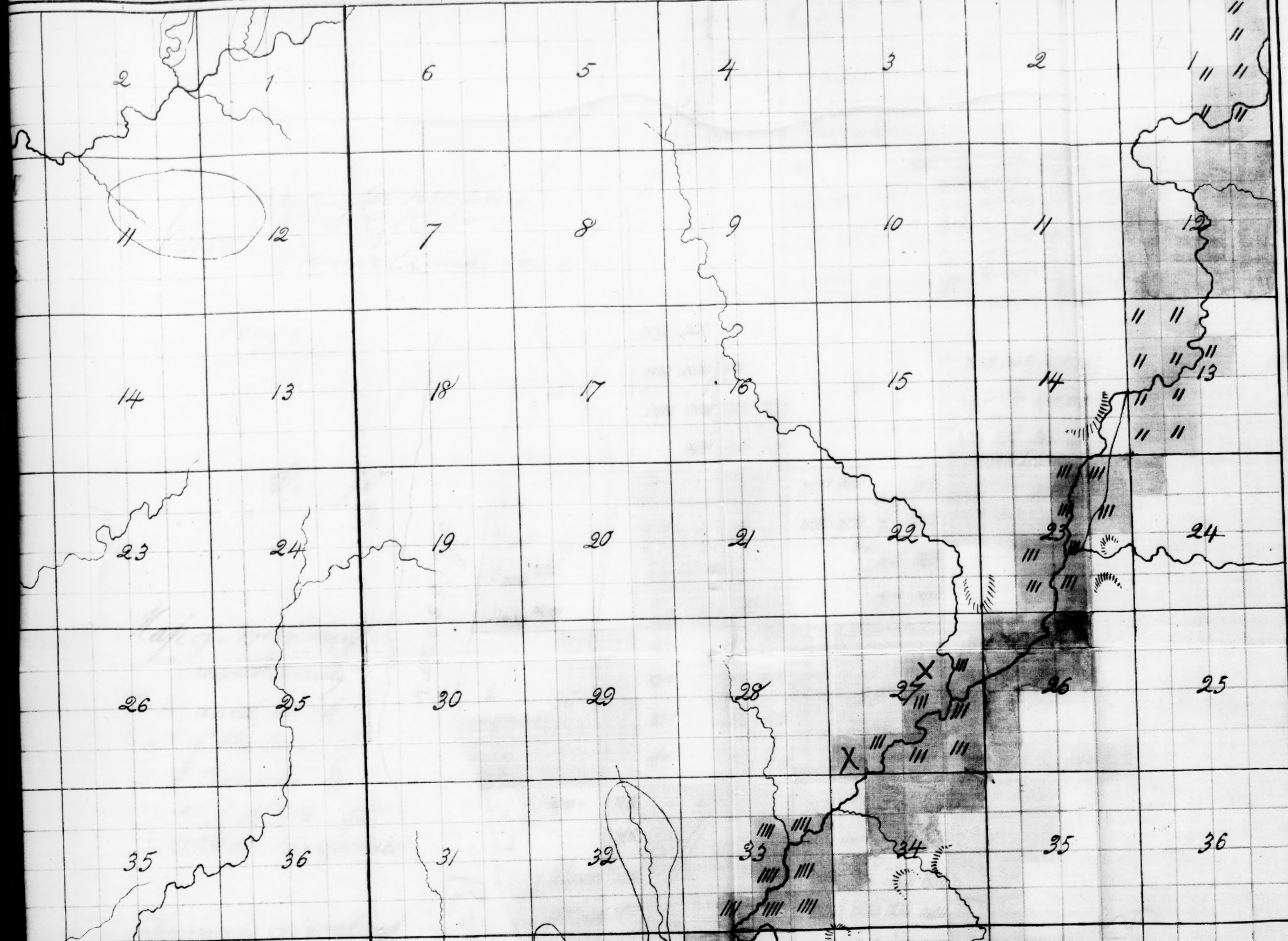
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No 11.491 Samuel Nicolson

Improvement in Wooden Pavements.

Patented August 8th 1854.

Fig 2.

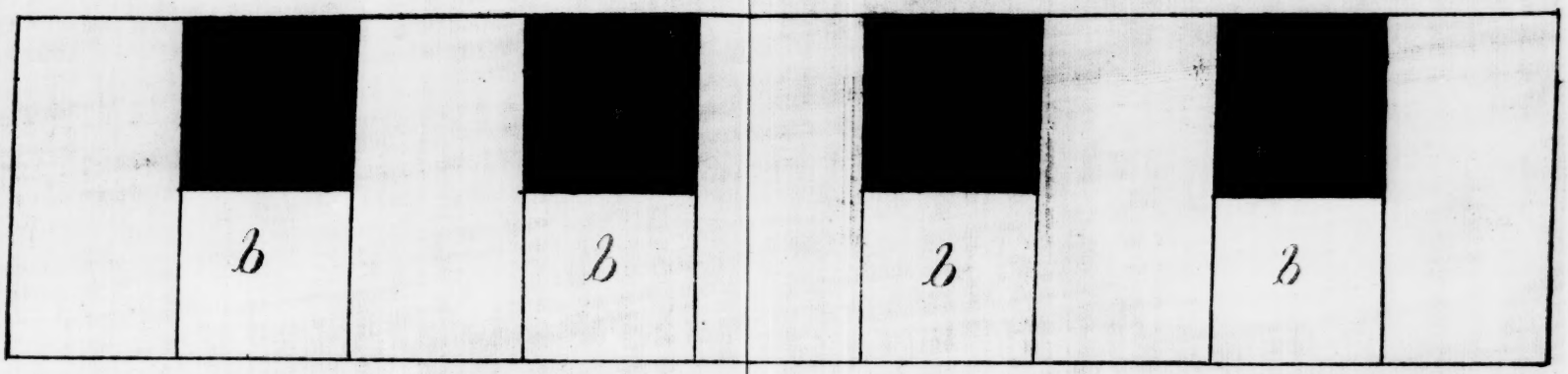
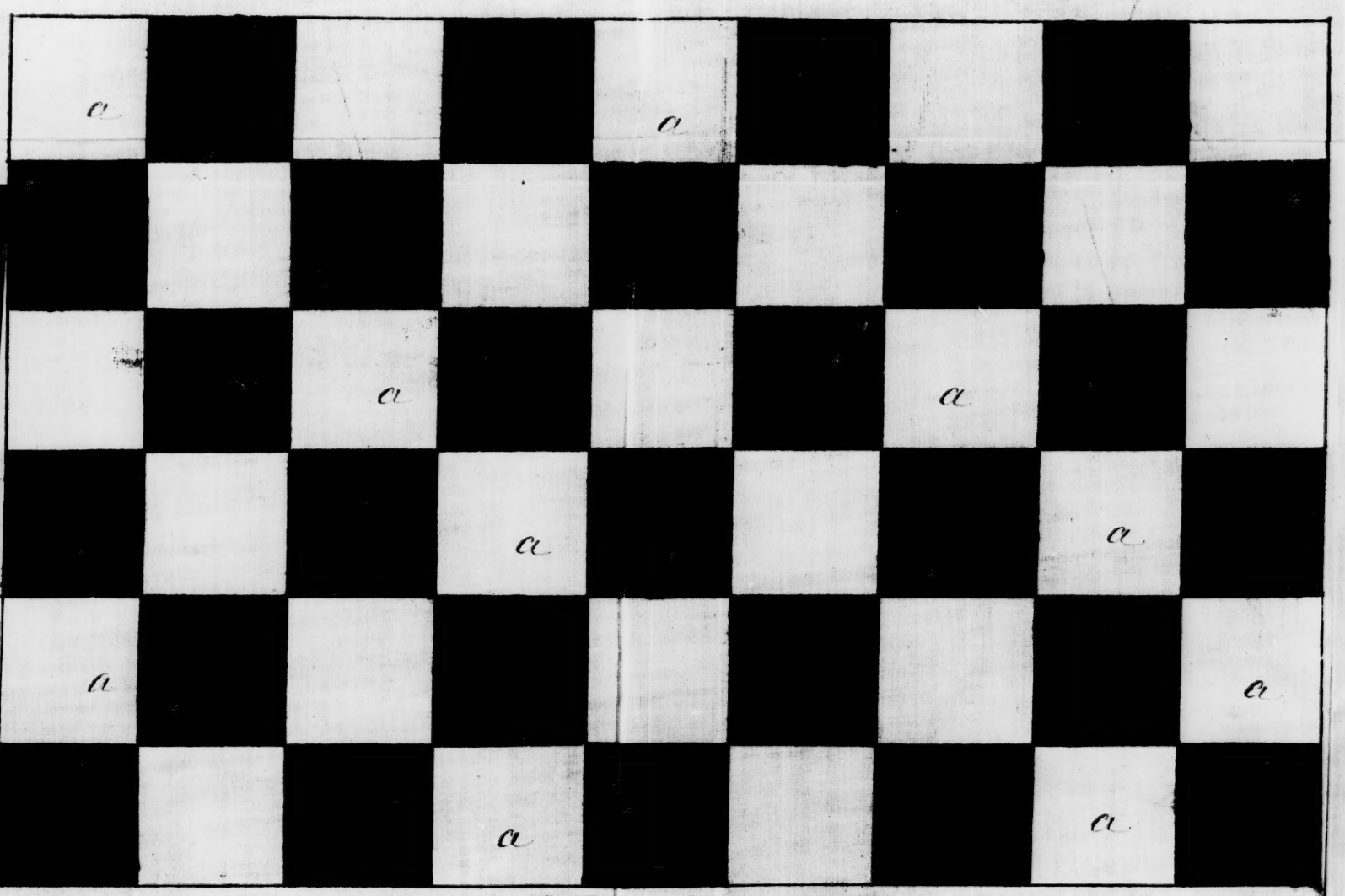


Fig: 1.



No 183 The City of Chicago Appt
Same vs Nicholson

Page 167

DRAWING N°. 1.

N°. 1583.

Samuel Nicolson.

Improvement in Wooden Pavements.

Reissued Dec 1. 1863.

Fig. 2.

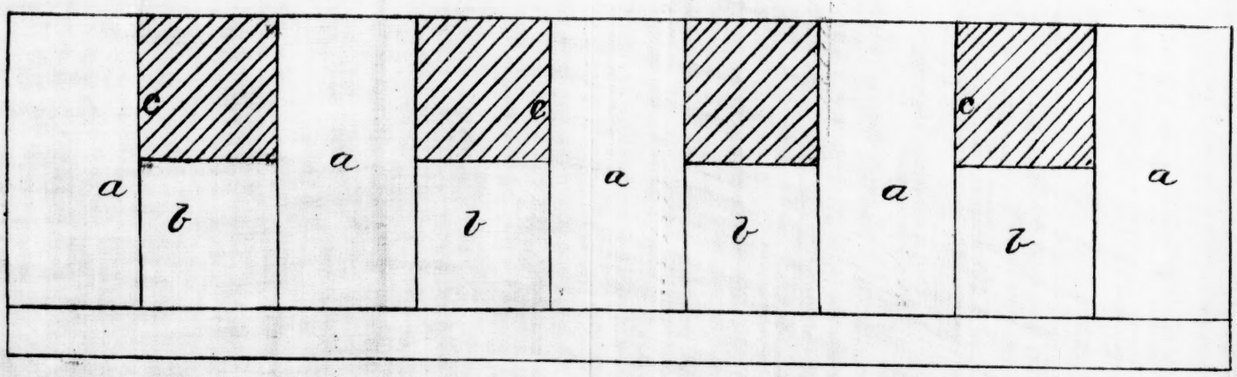
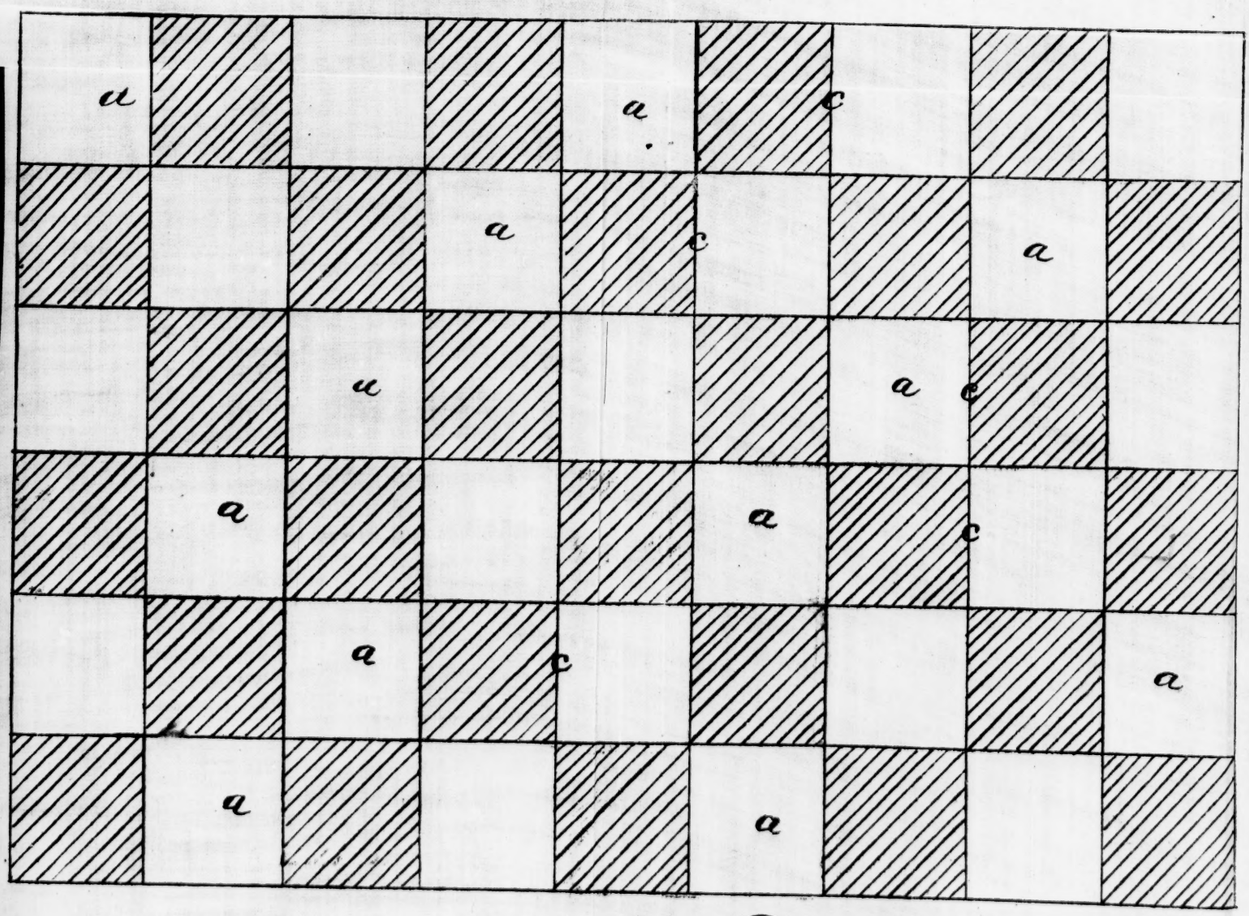


Fig. 1.



N°. 183 { The City of Chicago
vs. Appeal
Saml Nicholson

page 182, N°. 1

Samuel Nicholson,

Improvement in Wooden Pavements,

Fig. 1

Fig. 3.

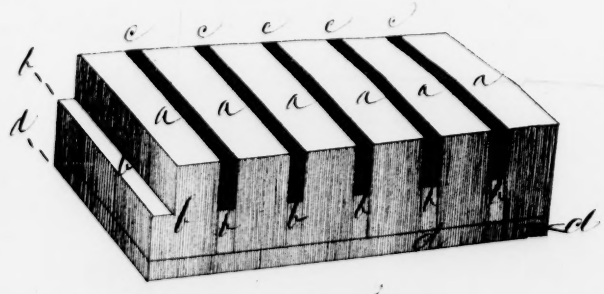
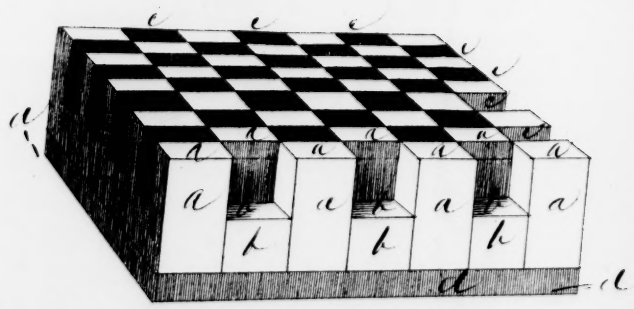


Fig. 2.



No. 83 { The City of Chicago
Saml. S. Nicholson } Page 182
No. 2.

The Red Line Northeast. North is where a Note out strip marked R and Red Line South is where strip 8 was taken out of Blocks C & D Como and between the said Strips

Cleveland

Hole

Alley

Hole & Pipe

Alley

No 183 The City of Chicago
Plat of Section

Drawing No. 1.

1815-83.

Samuel Nicolson.

Improvement in Wooden Pavements.

Reissued Dec. 1. 1863.

Fig. 2.

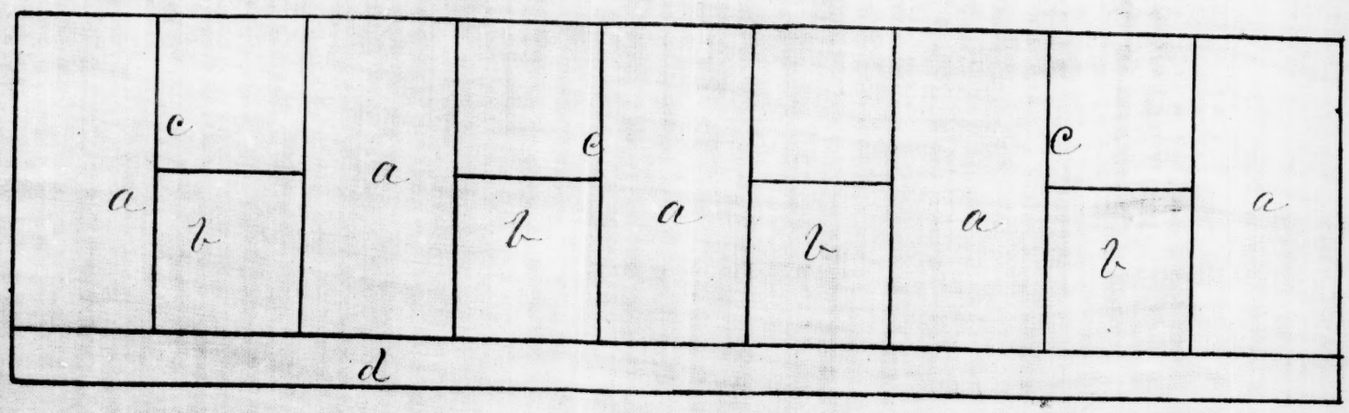
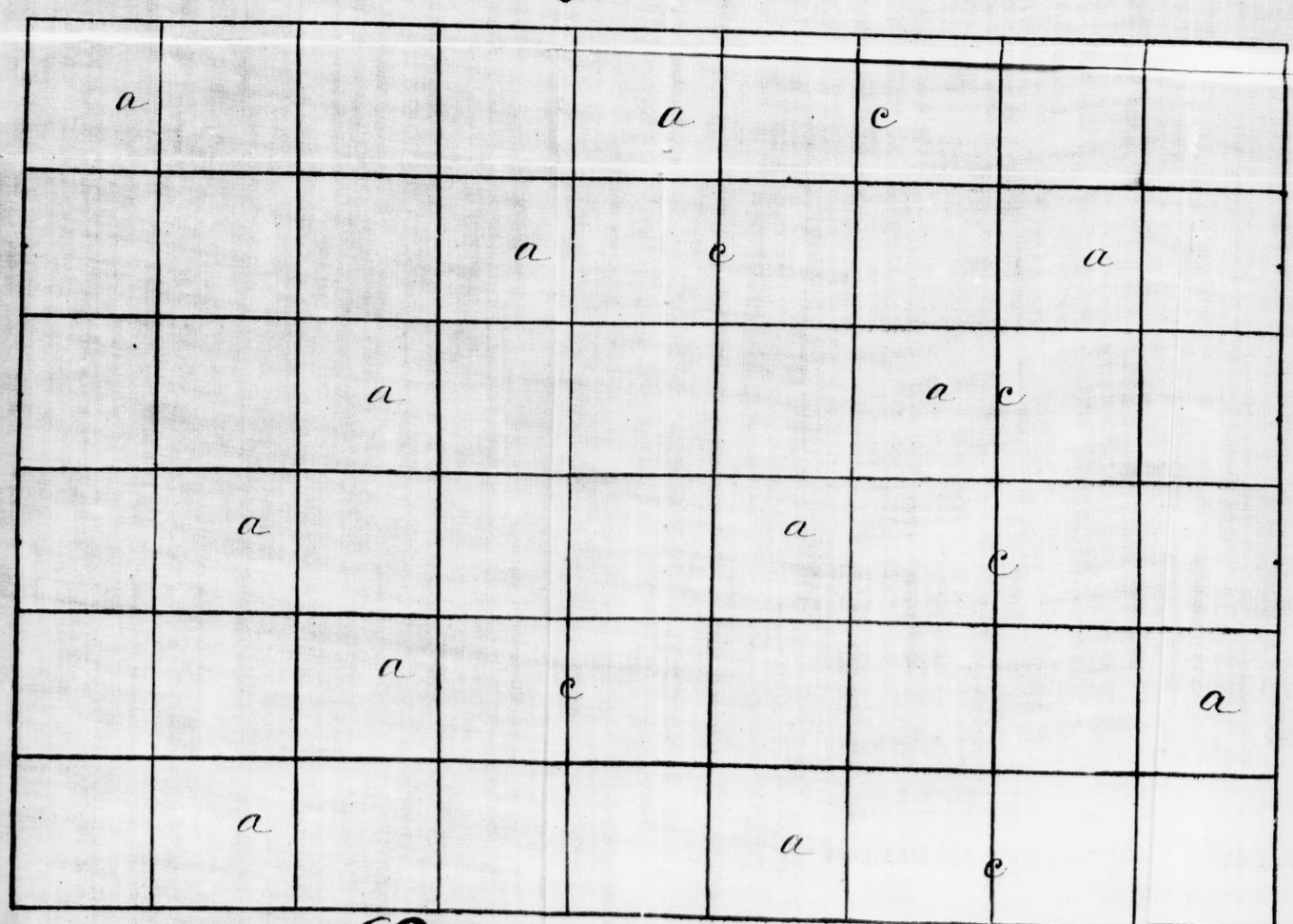


Fig. 1.



No. 183 { The City of Chicago / Saml. Nicolson } Page 735 No. 1.

Drawing No 2.

Fig. 1.

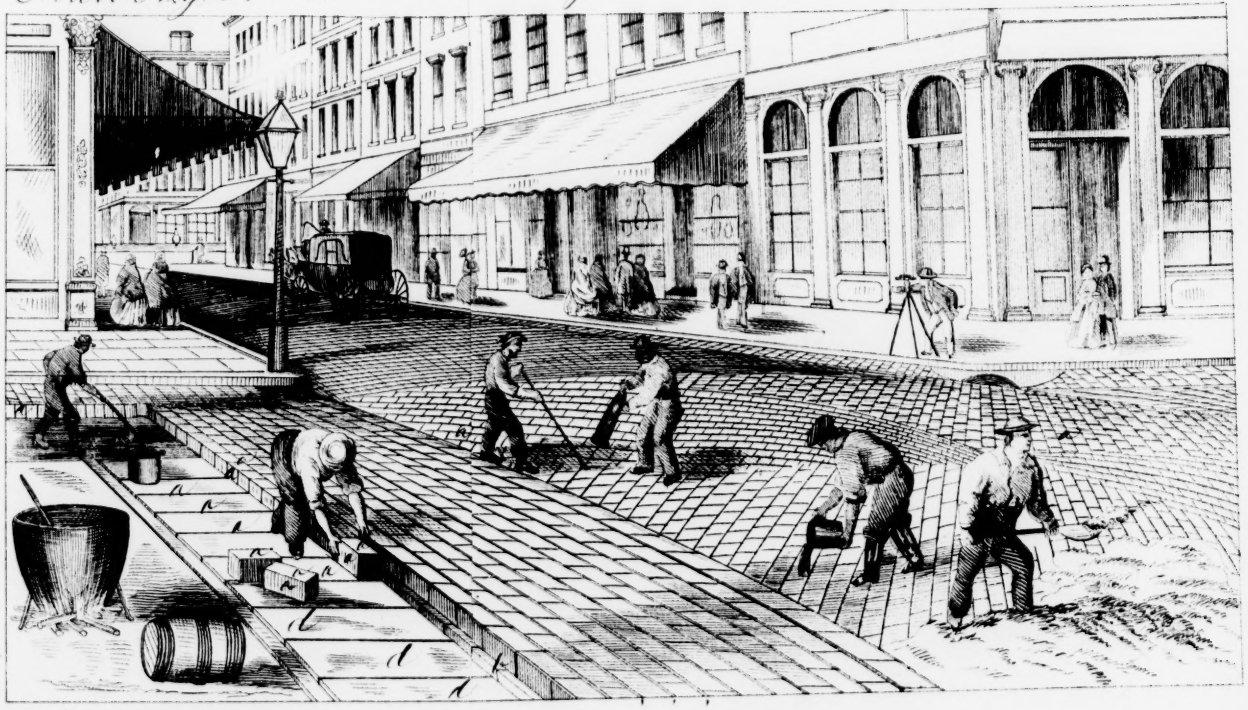


Fig. 3.

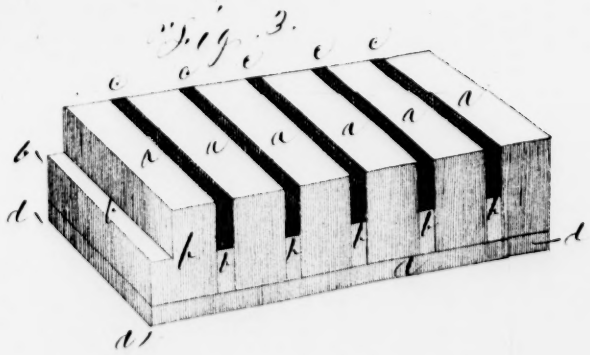
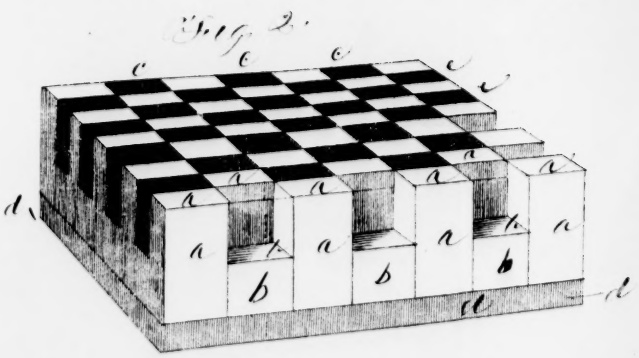


Fig. 2.



No 182 { The City of Chicago
Saml N. Nicholson

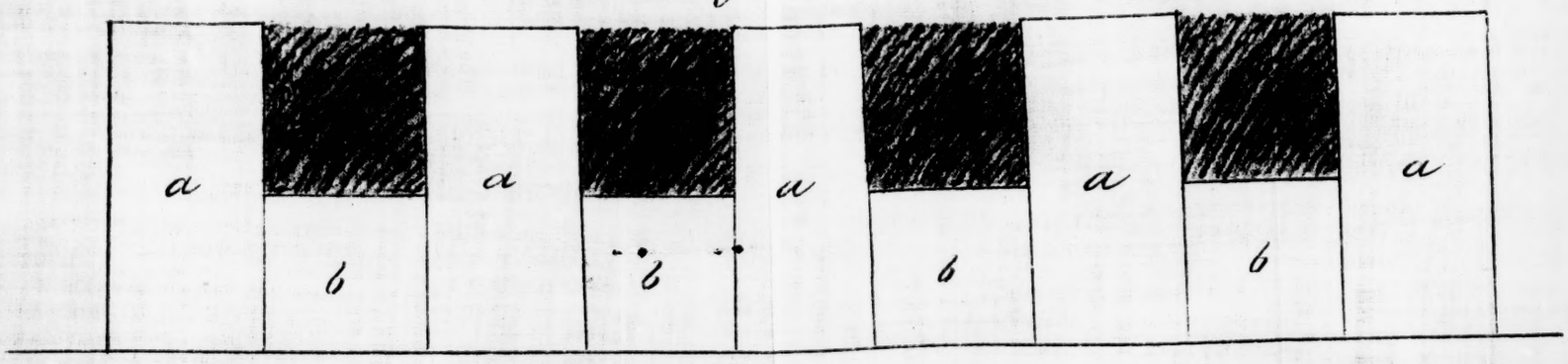
Page 735
No 2

Samuel Nicolson,

Impt. in Wooden Pavements.

Patented August 8th 1854,

fig. 2.



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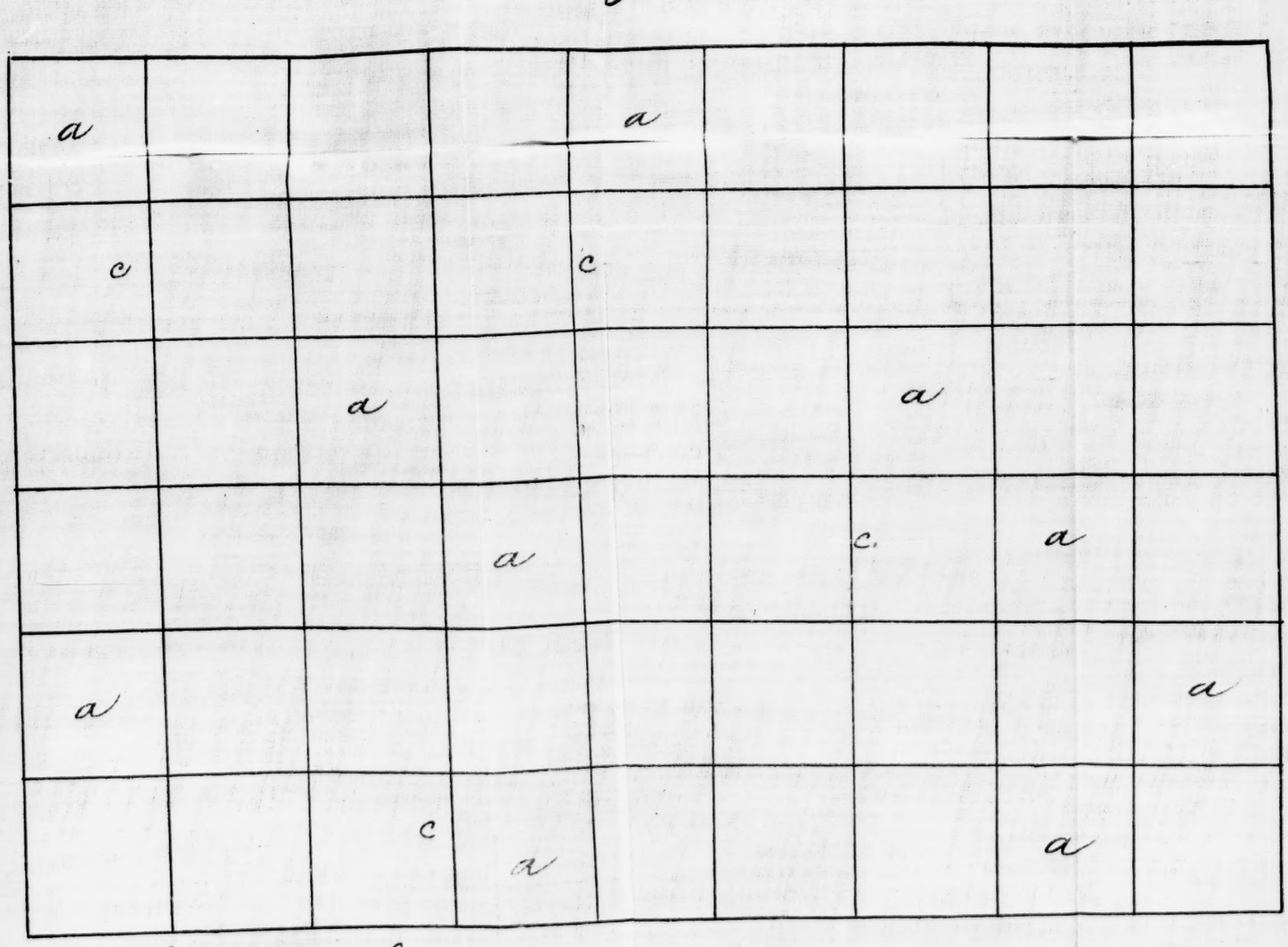


No. 183, - The City of Chicago,
vs.
Saml. Nicholson, - pac 750.

No. 1.

No. 183 Petition & Mo. { City of Chicago, vs. Nicholson. Page. 24.

Drawing No. 1

Samuel Nicolson,
Improvement in Wooden Pavements.
Reissued Aug. 20. 1867.
No. 2 P. 48.

Fig. 2.

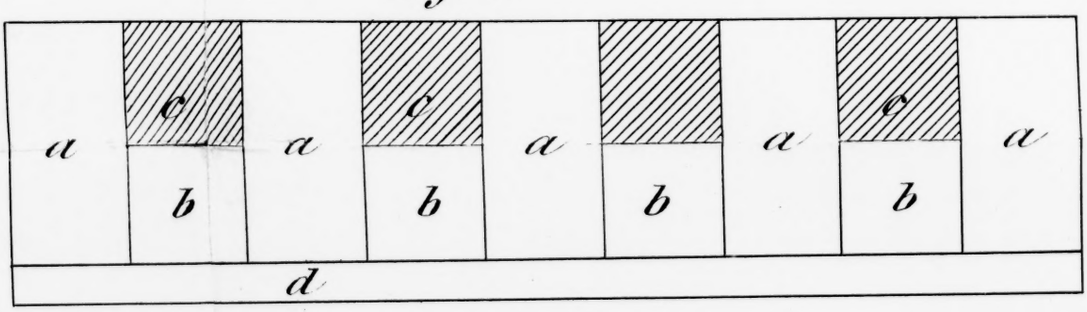
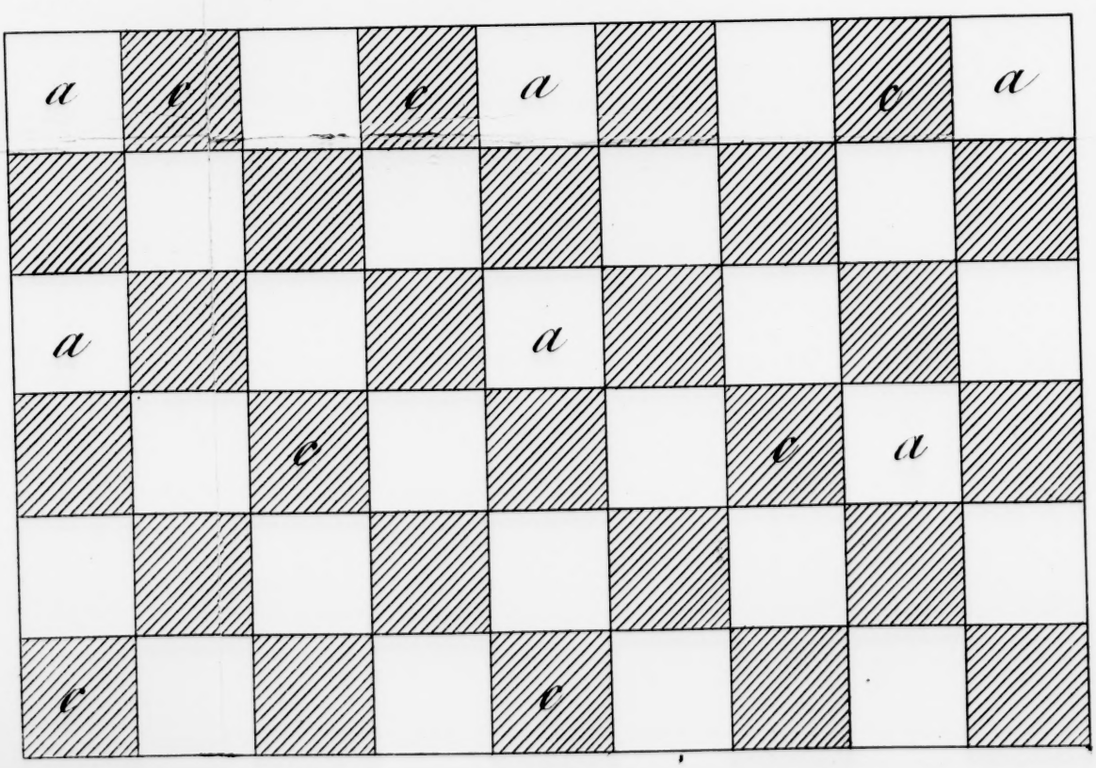
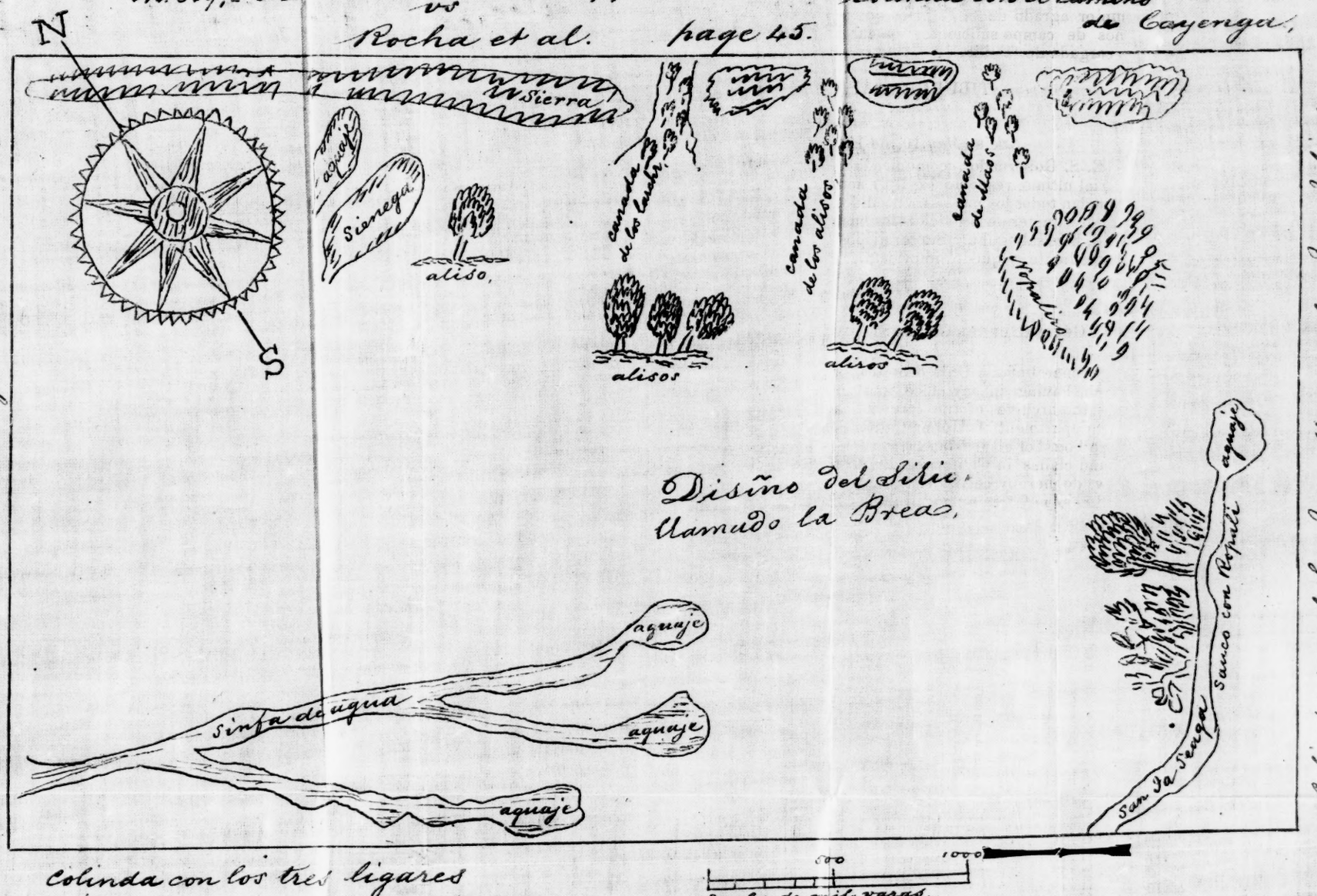


Fig. 1.



No. 369,- The United States, Appls.
vs
Rocha et al. page 45.



Colinda con los tres ligares

Colinda con los Sres Reposeres,

Colinda con el camino de Cayenga,

Colinda con el San Juan Moreno y los Sres Felixs,